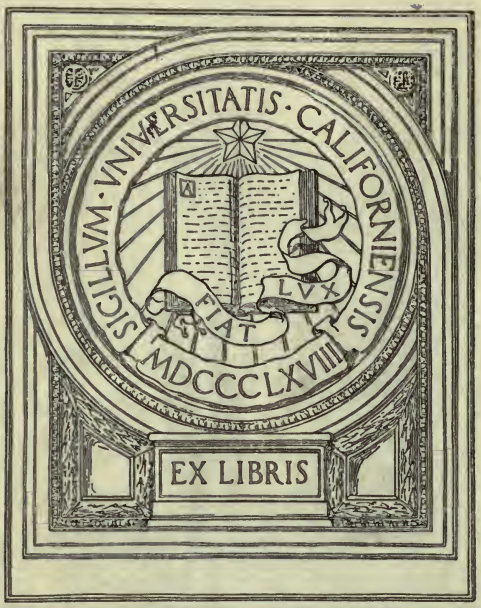
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AN INTRODUCTION TO POLITICAL PHILOSOPHY

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BY

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PREFACE

POLITICAL philosophy cannot be learnt from text-books. If it be true—

> "That nature always does contrive
> That every boy and every gal
> That's born into the world alive
> Is either a little Liberal,
> Or else a little Conservative,"

then the most interesting problems of political philosophy must remain matters of controversy. It is perhaps for this reason that students are generally asked to approach the subject by way of the study of the writings of certain political philosophers that are generally regarded as classical. Or it may be because, as Aristotle said—

"It would probably be right to suppose that not only these but all other political discoveries have been made repeatedly, or rather an infinite number of times in the lapse of ages. . . . It is our duty then while we avail ourselves adequately of the discoveries of the past, to endeavour to fill up the deficiencies that remain" (*Politics*, Bk. IV. chap. 10).

Now it has been the writer's experience both in England and in India that many students go up to the universities and commence to read political philosophy for an honours examination in history without any preliminary ideas upon the subject, or indeed any knowledge that such a subject exists

until it is met with in the syllabus of the examination. An endeavour has therefore been made in this book to explain what the subject is, and then to lead the student gently on to the study of the classical writers by presenting to him an epitome of their ideas with such explanatory comments and criticisms as are deemed necessary. The book is not meant to provide a complete history of the literature of political philosophy, so that only those writers have been presented with whose ideas the undergraduate is generally expected to be familiar. Clearness and conciseness rather than fullness have been the aims throughout. As it is hoped that the book may prove of use to Indian as well as English students, references to the original of Plato, Aristotle, and Rousseau have been avoided, and quotations in all cases are from editions and translations that are most likely to be accessible to students.

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AN INTRODUCTION TO POLITICAL PHILOSOPHY

CHAPTER I

AIM, SCOPE, AND METHOD OF POLITICAL PHILOSOPHY

Nomenclature.—Our subject is known indifferently as "Political Philosophy," "Political Science," "The Science of Politics," or simply as "Politics." The term "Comparative Politics" has also been used to signify very much the same thing, only with a greater emphasis upon the historical or inductive method of study. Before we decide which is the best term we must understand what the subject has to deal with.

Subject.—Political Philosophy has to do with the **State.** If we glance at mankind distributed all over the world, we find that no matter what his colour, religion, circumstances, or state of civilisation, he is, with few exceptions, banded together with his neighbours in some sort of organised community with certain rules or laws of behaviour and some person or persons called the governor, governing body, or government of the community. The latter may be a family, clan, tribe, nation, city, or federation. But except in the very lowest grade of

human life it is there. This organisation into communities under government seems therefore to be an essential fact of human life—a characteristic trait which distinguishes man from other animals—and political philosophy investigates this essential fact.

If we take the term "state" to cover all the forms of organised community under government mentioned in the last paragraph—and although the term is not an ideal one it is sanctioned by ordinary usage—political philosophy tries to supply answers to the following questions—

1. What is the state?
2. What is its aim or purpose? And as a corollary to this question—What is the reason of its universal existence?
3. How does it originate?
4. What are its functions and how does it carry out these functions?
5. What kinds of states are there or have there been in existence and how do they differ?
6. Is there an ideal state?

These broad questions lead the way to many further enquiries. Has the origin of the state been the same in all places and in all communities? May not a state perform different functions at different times or in different communities? Are there any ideal functions attaching to the state? What is the best form of government and who are the best rulers for the state? What are the duties of the individual to the state? What may the individual legitimately claim from the state? How may states be classified? Is there an ideal state for all times

and all peoples, or may not one kind of state be the most suited for one community but quite unsuited for another?

All these questions may be included in the first six fundamental enquiries or they arise out of them, but their statement serves to show that the study of political philosophy is an extensive one. The examination of states that are or have been in existence is itself a task of no small magnitude.

Many of the questions are only of academic interest, yet it is quite certain that no subject has a more vital interest to the public at large than that of "politics," even if it be not studied in a particularly scientific manner. An examination into political controversies will show that all differences of principle and party arise out of differences of opinion with regard to the following two fundamental questions—

1. How is liberty of action for the individual to be reconciled with that control over him by government, which is necessary for the efficient performance of its functions by the latter?
2. What should be the functions of government?

The controversy that led to the Great Rebellion in the days of the Stuarts, in so far as it was political and not religious, arose out of the first question, and the political experiments of the Commonwealth were unsuccessful attempts to solve it. Modern democracy is an attempt to solve it by giving the individual some share in the making and carrying out of the laws which restrain him, and all the controversies which disturb democracy arise from it or from the second question to which socialists and

their opponents have more particularly addressed themselves.

Political Philosophy a Branch of Moral Philosophy.—It is clear that our subject belongs to the domain of science and not of art. It investigates the nature of the state, its laws and principles. There is no direct precept as to how anything may be done. Again it investigates the laws and principles regulating the relations of men amongst themselves, and has nothing to do with the composition or growth of any kind of "matter." Therefore it is a portion of that department of knowledge generally known as "moral philosophy" as opposed to "natural science." The use of the term "philosophy" to include metaphysics, ethics, politics, economics, and the allied branches of knowledge, while the term "science" is confined to physics, chemistry, biology, etc., is general and not altogether arbitrary. That being so, the term "political philosophy" is much to be preferred to "political science." The simple word "politics" may also be used on the analogy of "metaphysics" and "ethics," but the popular use of the word renders it not altogether suitable as a designation for a subject of scientific study.

Political Philosophy a Branch of Sociology.—Although political philosophy is grouped with the other branches of moral philosophy, there is a certain distinction between metaphysics and ethics on the one hand, and politics and economics on the other. The former have reference to the nature and behaviour of man as an individual, or rather as a type of mankind generally. The latter are concerned with the relations of men among

themselves when organised in communities or societies. These two are therefore sometimes grouped together under the name of "sociology" or "social science." Sometimes the arts allied to these so-called sciences—government, administration, education, citizenship—are also brought under this term, and you then have a complete "science and art of sociology." Aristotle's treatise on *Politics* is in a sense an attempt at just such an encyclopædic treatment of the whole subject of social relations. Comte, also, maintained that social phenomena must be viewed as a whole, before any laws or principles can be formulated, and the distinction between the science of politics and that of economics was to him unnecessary and methodically wrong. It is generally understood, however, that if the student is to make a thorough study even of sociology, he must, at any rate in the early stages, segregate the departments of study. Politics, therefore, is separated from the allied subjects of history, economics, and law, but not divorced from them. No student should attempt to do any work in political philosophy unless he has a good knowledge of history and a working knowledge of economics.

Methods of Study.—The logician tells us that we may arrive at truth by two distinct processes of reasoning—by deduction or by induction; or to use the synonymous terms that are sometimes used, by a priori or by a posteriori reasoning; by the philosophical or by the historical method. By the former method we start with certain premises and argue from the general to the particular by means of the syllogism. The latter method is an argument from the examination of particular cases to the

formation of a general law. Which method is more appropriate for the study of political philosophy? Both have been used. Plato used the deductive method. Aristotle used both methods in the *Politics* in a somewhat confusing manner. The arguments of the advocates of the various forms of the "Social Compact" theory—Hobbes, Locke, Rousseau—were almost entirely deductive; so were those of their opponents who supported the theory of Divine Hereditary Right of Kings. Montesquieu made a comparative and historical examination of actual states in the *Spirit of the Laws*. The modern school of enquirers into the origin of the state, whose quest has been stimulated by the work and example of Sir Henry Maine, consider actual evidence and pursue historical enquiries.

It appears, therefore, that both methods have been used, and a reference to the questions which political philosophy attempts to answer will lead us to the conclusion that both methods are appropriate. The enquiry into the origin of the state must of necessity be historical and inductive. But an examination into the philosophical bases upon which the state rests might be conducted on deductive lines, although even here inductive enquiry would be profitable. What must be carefully guarded against, as we shall see in a later chapter, is an endeavour to answer from a priori considerations a question—like the origin of the state—which can only be answered from historical evidence.

Political philosophy, in fact, might be divided into two main departments; the one historical, dealing with the origin, development, and kinds of states; the other deductive, dealing with the philosophical

basis and functions of the states. The two departments are interdependent, and a separate study of either would not be profitable, but their confusion has brought about the great error in political philosophy.

The Answers to the Questions.—The answers to the questions of political philosophy cannot be given in an introduction. They can only be discovered by a complete study of the subject. In the following pages will be found the answers that certain classical writers have given to some of them, and it will be seen that they are by no means in accord. A critical study, therefore, will be necessary, in order that the student may form his own opinions. Now in making this critical study it should be kept continually in mind that the subject of political philosophy, as has already been indicated, is one partly of fact and partly of opinion. A neglect of this simple fact has been at the root of most of the errors which beset the subject.

Thus it is clear that the questions—

(1) What is the origin of the State?
(2) What kinds of states are there or have there been in existence?

are questions of fact and not of opinion. They are to be answered only by a study of historical evidence, and the value of any answers that may be given must be estimated according to the importance attached to the evidence adduced.

On the other hand the questions—

(1) What is the ideal state?
(2) What should be the relation of the individual to the state?

are largely questions of philosophy, and the answers will be matters of opinion dependent upon the fundamental postulates of philosophy on which each individual takes his stand. There never will be any agreement upon them so long as men do not agree upon the fundamental bases of philosophy, or so long as they allow their judgment to be clouded by self-interest or prejudice. On these questions the student must form his own opinion after studying the chief representative writers of the various schools of thought. But it should be borne in mind that even these questions, although in the main philosophical, may profitably be tempered with a little history. Doubtless the ideal state is a matter of speculation, but it is of advantage to know what states have been most successful in the history of the world. Searching for Utopia may be a fascinating study, but it is more profitable to know whether state A or state B has under similar circumstances proved more successful.

Lastly there is a group of questions which are either speculative or historical according to the form in which they are put, and herein lies the pitfall into which many political philosophers have fallen. The question "What are the functions of the state?" may be understood in two ways as meaning either—

(1) "What are the functions actually exercised by existing states?" or

(2) "What ought the functions of the state to be?"

No error is more common in the writings of political philosophers than this confusion between "what is" and "what ought to be." In the following pages the reader will find several instances of it.

CHAPTER II

PLATO AND ARISTOTLE

The Greek City-State.—Like all writers on the subject of political philosophy, Plato and Aristotle reflect to a very great extent the conceptions regarding the state that were current in their time and place. These conceptions differed fundamentally from our own. The Greek state was essentially a small unit—a stretch of country not larger than an average English shire, around the city from which it generally took its name, and which formed the centre of its political life. Politics held a much more important place in the life and thought of the citizen than even in this very political age, for every citizen took a direct share in the government, the deliberations of policy, the administration of justice, and the military service of the state. Representative government was as foreign to his ideas as the conception that a man could have the right to vote without undertaking military service would have been, had representative government been known to him. The citizens, however, were a comparatively small class, even in the most democratic states. Slavery was a universal and vital institution in the Greek city-state, the one whereby the citizen gained the leisure to perform his civic functions, and slaves had no rights either civic or personal. Thus if the

general mass of human beings who inhabited a state be considered, the governing classes even in Athens, the most democratic city of them all, would be very limited. Between the slaves and the full citizens in the more aristocratic (or oligarchic) states there was the class of shopkeepers, artisans, and traders, the " banausic " people, who had either very limited political rights, or none at all. Sparta was the type of this extremely narrow aristocratic government, as Athens was of the democracy where the citizens included all classes. But these political divisions were not stable, and strife between the oligarchic and the democratic functions was continual and universal.

The Greeks had a very wide conception of the purpose and functions of the state. To regard it merely as an institution for the protection of the individual and the administration of justice was quite foreign to their ideas. But on the other hand, the constant preoccupation with economic business and the ever-increasing mass of legislation with regard to the distribution of wealth which are traits of modern parliamentary assemblies, was not so characteristic of politics in Greece. Far more important to the Greeks were the religious, pedagogic and military functions of the state. The latter was, in fact, first and foremost an educative and religious institution, and secondarily a military organisation. The Greeks had their own economic problems, and the struggle between oligarchy and democracy was, as in our own day, largely one between rich and poor; but nevertheless, in theory at any rate, economic questions were of less importance than the right worship of the gods, the education of the citizens, the rule of conduct, and the organisation of the

national military forces. It is hardly necessary to mention that the problem of the Church versus the State could not arise where Church and State were one.

Sparta.—Like most Greek city-states, Sparta consisted of a ruling class of full citizens, the Lacedæmonians proper; a subject class, the Helots; and a semi-subject class, the Periœci. Sparta, however, was exceptional in the smallness and exclusiveness of its ruling class, in the rigid discipline which that class imposed on itself, and in its treatment of the subject population.

At the head of the government were two kings hereditary in the families of the Agids and the Eurypontids. The kings were the commanders-in-chief of the army, and in time of war had wide powers. Nevertheless these powers were limited by the dual nature of the office and by the institution of the ephoralty. Apart from their military functions, the duties and powers of the kings were slight, being chiefly sacerdotal.

The Gerusia was a judicial and advisory council of thirty members including the two kings, all over sixty years of age, and of noble birth, elected in the general assembly.

The Apella was the general assembly of all male Lacedæmonians over thirty years of age. It decided all questions laid before it by the kings, ephors, or gerusia; elected the ephors, gerusia and all magistrates; and decided disputed successions to the kingship.

The five Ephors were elected magistrates charged with judicial functions, and more especially with the duty of jealously watching the conduct of the kings.

In so far, therefore, as the ruling class alone was concerned, the constitution of Sparta was to a certain extent democratic, but the exclusion of the vast majority of the inhabitants of the state from all political duties and rights made it the narrowest aristocracy in Greece.

The life of the Spartan was one long preparation for war, and all the institutions of the city were directed to that end. From his birth the education of the young Spartan was carefully prescribed. A life of endurance, simplicity, and military discipline was his lot. Family life and privacy were constrained within narrow limits. All fed in the public messes to which each had to bring a certain amount of food and wine. Each Lacedæmonian was supposed to have a lot from the public land which was cultivated for him by the Helots, thus freeing him from the cares of earning a livelihood.

The Helots were not harshly treated individually, but the institution of the Krypteia, whereby the young Lacedæmonian went out, hunted down, and slew such Helots as he considered dangerous, must have made life dreadfully insecure.

Sparta was extraordinarily successful in attaining the end that it set before itself—the military predominance of a small people in the midst of a hostile population. But its people became slack in the end, and its power declined and passed away like that of less strenuously disciplined states.

Athens.—"To pass from Sparta to Athens is to pass from a barracks to a playing-field."

"The history of Athens indeed is the very antithesis to that of Sparta. In place of a type fixed at a stroke and enduring for centuries she presents a

series of transitions through the whole range of politics, to end at last in a democracy so extreme that it refuses to be included within the limits of the general formula of the Greek State."

Previous to the reforms of Solon in the sixth century B.C. Athens passed through the usual stages of Monarchy and Aristocracy. In the constitution as remodelled by Solon the citizens were divided into four classes according to wealth, but those whose income was derived from sources other than landed property went into the lowest class, so that the principle was maintained that citizens ought to have a "stake in the country." All citizens had the right and duty of attending the Ecclesia or general assembly, and of there electing the magistrates and reviewing their policy. But the magistrates were chosen only from the upper classes—the highest from the first class only. On the other hand, these classes had to bear the greater part of the financial burden of the state. The preparation of business for the Ecclesia was in the hands of the Boule or Council of Four Hundred, for which the higher classes only were eligible. The archons or chief magistrates were chosen—probably—from the first class only. The office was ennobled by the admission that it gave to the Areopagus, but was limited by the liability of the archon to be haled before the popular courts of law—the Heliæa. Thus did Solon found the Athenian democracy, but of the ancient aristocratic constitution he kept the Areopagus, though its functions were limited. It consisted of ex-archons, and had judicial and censorial functions over the citizens. It was, said Plutarch,

[1] *The Greek View of Life.* Prof. Lowes Dickinson.

"a council, incorrupt, awful, and sincere; a watchful guardian over those that slept."

This moderate form of democracy was gradually converted into the more extreme form of later days. By the time of Socrates the general assembly, which all citizens were paid to attend, was the final authority in all matters of administration, legislation and judiciary. The only check upon it was the celebrated *Graphe Paranomon*, which rendered the proposer of any change in the established laws liable to prosecution and the penalty of death. The general administration lay in the hands of the Council of Five Hundred, chosen by lot from the general body of the citizens. All the magistrates were chosen by lot except the ten generals in whose hands lay the conduct of military and diplomatic affairs, and who were elected. The judiciary consisted of popular courts—dikasteries—made up from a body of five thousand citizens chosen by lot, who received pay for their services. The judicial authority of the archons was extremely small, and the Areopagus was merely a court for the trial of homicide. Thus "equality" was pushed to extreme in the final constitution of Athens. No distinctions were made as regards fitness for office on the score of birth, wealth, ability, virtue or education. Every citizen had *ipso facto* a right and a chance of playing any part in the administration and government of the state. Even the disability of poverty was removed by the payment for attendance in deliberative and judicial assemblies. And the citizens formed a very wide class. There was no narrow exclusiveness as in the case of Sparta. Except for resident aliens and slaves, practically all were

citizens in Athens. Still even so, the very large class of slaves rendered the Athenian different from modern conceptions of democracy.

It cannot be said that the extreme democracy of Athens tended any more than the narrow aristocracy of Sparta to the ultimate benefit of the state, as the many cruel episodes in its history, as well as its disastrous end, bear witness. The brilliance of the epoch associated with the government of Pericles was due to a certain extent to the wise and moderate government of that statesman, who was elected year after year to a position of extra-constitutional dictatorship over the state.

Plato

Life.—Plato was born of a good Athenian family about the year 428 B.C., and as a young man attached himself to the circle of Socrates. The evils of Athenian democracy were painfully apparent to this circle, and led naturally to an examination of the purpose and functions of the state, and its relation to the individual. The trial and execution of Socrates in 399 confirmed Plato in his hostility to the prevailing form of government, while his experience of monarchy as exemplified by the tyrant Dionysius of Syracuse—for Plato travelled widely—must have convinced him that Socrates' predilection for government by an aristocracy of wisdom was well founded. Hence the *Republic* which certainly does not give a picture of any state that existed in Greece, but of an ideal state in which the weaknesses of existing states were to be obviated. An attempt to put the principles of the *Republic* into practice in the education of the younger

Dionysius was not a success, and in his later days Plato compromised with the inevitable shortcomings of human nature, and in the *Laws* sketched an idea for a state, which is not of such an ideal nature as that in the *Republic*, but is more attainable for men as they are. Plato died about the year 347 B.C. The *Republic* was written probably after the death of Socrates, and between Plato's two visits to Syracuse, *i. e.* between 387 and 368 B.C.

THE *REPUBLIC*

Analysis. The *Republic* may be divided thus—

INTRODUCTION. Book I and first half of Book II. —Discussion concerning the nature of justice (Book I). Proposal to find out justice in the state (Book II).

THE IDEAL STATE. Books II to VI.—Formation of the state. Its constitution. Education and manner of life of the Guardian (Books II and III). Description of the state and its characteristics (Book IV). Community of wives, children, and property among the guardians. Approximation of the ideal state to what is practicable (Book V). Further consideration of the character and education of the rulers (Book VI).

Book VII.—Enquiry into the real nature of knowledge and mental development.

Book VIII.—Classification of existing states, their respective characters, and the theory of the cycle of revolutions.

Books IX and X.—Various thoughts on the characters of individuals corresponding to states, the nature of justice, poetry, and imitative art.

The student of political philosophy is more particularly concerned with Books II to VI and Book VIII.

The Nature of Justice.—The *Republic* opens with a conversation between Socrates and Polemarchus concerning the meaning of justice, carried out in the usual Socratian manner, in which the Master asks questions and the disciple dutifully makes those suitable affirmative replies which shall presently place him in a dilemma and enable Socrates triumphantly to refute any opening statement that he may have made. Bk. I.

Into this conversation Thrasymachus charges "like a wild beast." "What trifling is this . . . and why do you play the fool together, yielding mutually to one another. But if you truly want to know what is just, ask not questions only, nor value yourself in confuting, when any one answers you anything; but answer yourself, and tell what it is you call just."

After Thrasymachus had been suitably quelled and the Master's authority once more acknowledged, they acceded to his request, and so became embarked on the definite pursuit of the real meaning of Justice and the Just man.

First Thrasymachus lays it down that what is of advantage to the more powerful is just. In all states the rulers make laws for their own advantage and punish those who break them. At the same time they contend that these laws are for the benefit of the ruled and call them just. But it is not really so, and among the inferior classes, the unjust man—that is he who breaks these rules made for his

guidance by the more powerful—ever profits more than the just.

This theory that justice consists in the rule of the state by the strong, primarily for their own advantage, is an adumbration of the philosophy expounded by Nietzsche some two thousand years later. Socrates, however, denies that the art of governing seeks the interests of the governors. It is like the art of healing, horse-training, etc., which seek the benefit of the *object* of the art. Any advantage that the artists gain—apart from the pleasure of properly pursuing their art—is gained by the art of wages. Then by a celebrated and ingenious argument, he synonymises knowledge, wisdom and virtue, and concludes that the just man being like the knowledgeable man is powerful, wise and virtuous.

Again he points out that no assembly of men for any purpose—a city or a band of robbers—can act together and succeed in its object without a certain amount of justice. There must be honour among thieves or thievery will fail. From this he concludes that the same is true of the individual, and that therefore the just is stronger than the unjust.

Moreover the soul, like everything else, has a function—the function of life—and its virtue is to perform its function properly; but justice is a virtue of the soul, and injustice a vice, and therefore the just man will have a happier and consequently a more advantageous life than the unjust man.

Nevertheless the real nature of justice is still left unexplained, and Glaucon and Adeimantus, in order to encourage Socrates to expound still further, develop Thrasymachus' argument thus—

"To commit injustice is, they say, in its nature a good thing, and to suffer it an evil thing; but the evil of the latter exceeds the good of the former; and so, after the two-fold experience of both doing and suffering injustice, those who cannot avoid the latter and compass the former find it expedient to make a compact of mutual abstinence from injustice. Hence arose legislation and contracts between man and man, and hence it becomes the custom to call that which the law enjoins just and lawful." Bk. II.

This exposition is an anticipation of the theory of Hobbes as expounded in the *Leviathan* (see next chapter).

The really happy and successful man in this world and the next is the unjust man who keeps the appearance of justice. He becomes rich, prosperous and successful, and by due attention to liberal sacrifices (paid for out of his unjust gains) he propitiates the gods and obtains their blessings. Again, whenever justice is praised by the people of the world, it is because of the advantages that accrue to the reputed just man. But Glaucon and Adeimantus would have Socrates show them wherein lies the inherent virtue and benefits of justice, apart from advantages that accrue.

Socrates suggests that as a city is greater than an individual, justice may be found in it on a larger scale, and therefore more easily examinable. If, therefore, the development of a city be traced, the growth of justice and injustice may also be found. So Plato at last is embarked upon the study of the state.

The Division of Labour and the Formation of the City.—A city is a result of the division of

labour which is involved in civilisation, whereby no man is individually independent but depends upon others for the satisfaction of his wants. These associates and mutual helpers are gathered into one dwelling-place—a city. There must be primarily in the city a husbandman, a house-builder, and a tailor and shoemaker. Then there must be carpenters and smiths and many other artisans, neatherds and shepherds. This division of labour implies exchange, and so a market and a currency are necessary, with merchants and retail traders, and all those who engage in transport work. Sailors, too, are necessary for commerce with other cities. Moreover if the city is to enjoy any of the pleasures of civilised life, a host of persons will be required to minister to the pleasures—hunters, poets, actors, dancers, the manufacturers of luxuries, servants and doctors. There is no doubt, too, that leaving aside the question whether war is good or evil, an army will be required, that is to say professional soldiers, if the division of labour is correctly thought to be an advantage.

The Guardians.—These professional soldiers are referred to as the Guardians of the State. It is obvious that they must be swift and strong of body, and brave and high-spirited in soul, but a little thought convinces Socrates and his companions that if these guardians are not to be a set of turbulent bullies, a terror to all peaceful citizens, they must be gentle and of a philosophical disposition. It follows that the education of these guardians is of the greatest importance to the state.

It now becomes clear that Socrates has embarked upon a description of the *ideal* city, and not of one

in actual existence, although this was not clearly before them when they embarked on the discussion. The reason is given at the commencement of Book IV. Socrates' object is to build up an ideal state, as in it "we should be more likely to discover justice, as, on the other hand, in the worst regulated state we should be most likely to discover injustice."

Education of the Guardians.—The formation of character is the clearly-defined aim of the system of education outlined by Plato, and the curriculum is chosen with a view to that end only. This curriculum consists of Music (which includes narratives and fables as well as melody and song), Gymnastic, Mathematics, and Dialectic, for the training of the soul, body and mind respectively. The narratives and fables must be chosen with great care, only such being used as inculcate truthfulness, temperance, chastity and other noble qualities that one would have in one's children. Especially those Bk. III
fables are to be eschewed which make the gods appear to be swayed by human weaknesses, and Hades to be a fearsome place, or which inculcate the fear of death. Great importance is attached to melody and song because of the influence of beauty and rhythm upon character. Here again only those harmonies must be chosen which are consonant with the character you desire to build up, the soft, lax, and effeminate harmonies being discarded. A careful training in gymnastic is to be given in childhood and throughout life, not only to keep the guardians fit for the rigours and vicissitudes of campaigning, but because the training of the body has also an effect upon the soul. Bk. VII.
Mathematics—including arithmetic, geometry, and

astronomy—are to be taught partly because of the usefulness of the subject in military operations, but mainly because of the excellent mental training that it affords. Dialectic provides the coping-stone to this mental training, but it is a dangerous subject for the young who take a delight in mere argument, without being able to use their newly acquired instrument for its proper purpose—the understanding of the real nature of the good.

So much for curriculum. With regard to method, children should be taught "in a playful manner and without any air of constraint."

Bk. III. **Selection of the Guardians.**—Of these guardians some must be selected as the rulers of the state, namely those who have most zealously at heart the welfare of the state. They must be watched from their earliest childhood, and tested, even more thoroughly than gold is tried in the fire, and those who are most proof against temptation and deceit and steadfast in their ideals, shall be selected and the rest excluded.

These shall be called the real guardians and shall receive honours in life and in death, and the rest shall be called auxiliaries, their duty being to support the decisions of the ruling guardians. But neither of these classes are to form an hereditary "caste." For as it may be said that into the composition of the guardians gold has entered, into that of the auxiliaries silver, and into that of the cultivators and workers iron and copper, so the children of each class must be rigidly scrutinised, and if among those of the guardian class any are found with silver or copper in their character they must be sternly thrust into the lower classes, while any

of the latter who are found to be of pure gold, must be promoted.

Manner of Life of the Guardians.—These guardians and auxiliaries must live together in camp, and so that they may not be tempted by lust of wealth to oppress their fellow-citizens, all riches, luxuries, and indeed all private property must be denied them. The necessaries of life they shall receive from their fellow-citizens as the wages of their service—enough to support them, but neither more nor less. So they must live in common messes, for if they accumulate private possessions, the burden of these will oppress them, their attention and interests will be divided, they will become cultivators and householders instead of single-minded guardians, and be envious of and envied by their fellow-citizens. To this it is objected that Bk. IV. the lot of the guardians is thus being made neither a happy not an envied one. They are worse off indeed than mercenary soldiers, who do receive pay as well as rations.

To this, Socrates replies that the object is not to make any particular class in the state happy, else they might as well give their potters robes and coronets and bid them work when they would; but just as such a condition of affairs would not conduce to the general happiness of the whole state, so a like unsatisfactory result will be obtained, if the happiness of the guardians is consulted rather than the general good of the whole state. Every class must be taught to study how it may perform its work in the most efficient manner. If this be done, then the greatest happiness of the whole body of the state will be attained.

Thus is sketched out the theory of the "greatest good of the greatest number" as the object of the organisation of the state.

Bk. V. **Relations of the Sexes.**—Woman is not debarred by her sex from possessing the qualities necessary to the guardians and auxiliaries of the state, and should not be debarred therefrom. If women possess the requisite abilities they must be chosen and their education must be the same—music and gymnastic.

The wives of the guardians must be common and the children also, and parents must not know their own children. Nevertheless sexual intercourse will be supervised and arranged on what in modern days we should call eugenic principles. The reason for this community of wives and children—as of all property—among the rulers of the state is so as to provide an absolute community of interests. All will apply the words "mine" and "not mine" similarly to the same object. Hence there will be no petty jealousies or disputes arising out of the possession of private property or individual families, but each man will feel the pleasure or pain of any other man as he would that of his father or brother. Thus there will be to a remarkable degree a community of pleasure and pain, and the city will approximate to the unity of feeling of an individual man. Thus there will be none of that isolation of feeling which arises when some rejoice and some grieve at the same occurrences. But the rulers will be solidly bound together by a common interest, and if "this class be free from internal dissensions, there is no danger that the rest of the citizens will quarrel either with them or with one another."

A corollary to this community of interest and freedom from dissension among the guardians is that their lot will be far happier than was anticipated when it was first depicted.

Men and women together must go on military service, and their children must also be mounted on fleet horses and taken to view the work which will afterwards be theirs. Cowards in war shall be disgraced to the ranks of artisans, but the brave shall be honoured in every way and given the utmost freedom in sexual relations, that many children may be born of such fathers.

"Should there arise among the governing body one man excelling the rest, it will be called a kingdom; if there be more than one of equal excellence, it will be entitled an aristocracy." Bk. IV.

"Whether the supreme power be in the hands of one or many, the important laws of the state will not be disturbed, if their training and education be such as we have described."

Plato's System of Communism.—"If the constitution of the state is to be carried to perfection, it must recognise a community of women, a community of children, and of education in all its branches; and in like manner a community of pursuits in war and in peace; and that its kings must be those who have shown the greatest ability in philosophy and the greatest aptitude for war." Bk. VIII.

Plato's system of communism was subjected to considerable criticism by Aristotle, as will be seen later. It presents several marked points of contrast with modern communistic and socialistic ideas. In the first place, the object to be achieved is

different. Modern socialists aim at a more equal distribution of wealth among all classes of the community for economic reasons. They believe that the possession of a larger share of material comforts will increase the happiness of the poor, while a reduction from their abundance will not harm the rich. Plato has no idea of making happiness dependent upon economic possessions. His object is political—to bring about a greater unity in the state. Secondly, his system applies only to the aristocratic rulers of the state—to the minority, whereas modern socialism aims chiefly at affecting and improving the lot of the poor, the ruled, and the majority. Thirdly, although socialism is an economic system not necessarily allied to any particular form of political government, it is in practice always wedded to democracy, but Plato's system is the mainstay of an aristocratic form of government. Lastly, Plato's communism is much more thoroughgoing and extreme than is advocated by present-day socialists—practical ones at any rate—and he is certainly prepared to go further in the direction of the emancipation of women than any modern thinkers on this subject.

Bk. IV. **Size of the City-State.**—The guardians must see to it that the city be neither too wealthy nor too poor, for wealth "produces luxuries and idleness and innovation," and poverty "meanness and bad workmanship as well as innovation." Also that it be not too small nor too large, but characterised by sufficiency and unity. For those cities which appear to be so large and prosperous are in reality not one but many cities—"in any case there are two, hostile one to the other, the city of the poor,

and the city of the rich; and each of these contains very many cities."

A city, therefore, may be allowed to grow so long as it can maintain its unity, but not greater than that. This will be one of the chief duties of the guardians.

Importance of Education as a Safeguard against Continual Legislation.—Another duty will be the safeguarding of a right system of education in the city, for thus there will be continuous progress. A good system of up-bringing will create good natures, and these helped by good education will improve from generation to generation. The guardians should see to it, therefore, that the system of education above described is most rigorously maintained, and that no innovations under the insidious guise of novelty or amusement be allowed. For if children be rightly educated, then it will never be necessary to make any regulations about trifling matters of manner and deportment nor even to legislate about the more weighty matters of commercial business, contracts, libels, assaults, tariffs and the like, for good and cultivated men will be able to conduct these matters rightly. It is only in bad and unhealthy states that continual legislation is necessary—like an unhealthy person continually going to a doctor for medicine. Legislation should only be necessary with regard to the rites and ceremonies appropriate to the worship of the gods.

Qualities of the State.—This state being now completely organised, is an ideal state, and as such must be wise and brave and temperate and just.

The state is *wise* in virtue of the knowledge of

statecraft possessed by the governing class—the guardians.

Similarly the state is *brave* in virtue of the courage residing in its guardians and protectors—and courage proceeds not from ignorance of danger but from a right estimate thereof, and is the product of education with regard to the things which should be feared and those which should not be feared.

Similarly the state is *temperate* inasmuch as the desires of the vulgar many are there controlled by the desires and the wisdom of the cultivated few—just as a temperate man is said to be master of himself because he can control his baser passions. Such temperateness, however, permeates the whole body politic, and is a kind of harmony inasmuch as it connotes that the naturally less worthy elements in the state permit themselves to be governed by the better.

There is a fourth principle on which the state is founded—a principle which makes each member do his own work and mind his own business. That principle must be justice. "Any intermeddling in the three classes, or change from one to another, would inflict great damage on the state, and may with perfect propriety be described as in the strongest sense a doing of evil." Such evil is injustice. In a man there is a rational principle, a spirited principle, a concupiscent principle, corresponding to the divisions in the state. The two former trained by a right system of education will exercise control over the latter.

A man is brave in virtue of his spirit, wise in virtue of the principle which reigns over him, and temperate in virtue of the harmony of his principles.

"The just man will not permit the several principles within him to do any work but their own, nor allow the distinct classes in his soul to interfere with each other, but will really set his house in order."

Relation of the Ideal to the Practical State.—It is objected by Glaucon that the merits of this perfect city are admitted, but nevertheless it is an ideal and has yet to be shown to be practicable. Socrates replies that an ideal is not necessarily practicable, but is not vitiated thereby. Nevertheless it is worth while finding out how existing states might be converted into something more nearly approaching the ideal. Bk. V.

One change that is very necessary is that government should be taken out of the hands of those who commonly have it, and entrusted to the philosophers—those who love to see truth. This leads to a discussion on the nature of knowledge, and its difference from opinion. It is those who perceive the difference and try to understand the things which really exist who are the philosophers. These philosophers it is who should rule the state. They are men who love real learning, real existence, truthfulness, mental as opposed to bodily pleasures; who will be temperate and free from covetousness, meanness and cowardice; who will be quick and intelligent with minds well-proportioned, graceful and retentive.

Evils of Democracy.—Cities at present are like ships whose crew, ignorant of navigation, fight and quarrel for the mastery and pilotage of the vessel and scorn the learned and experienced navigators.

Under present circumstances you cannot expect

philosophers to rule, for "it is against nature that the ruler, supposing him to be really good for anything, should have to entreat his subjects to submit to his rule."

To this it is objected that as a matter of fact there is a general prejudice against philosophers who are regarded—the few as merely useless—and the many as depraved.

The reason of this is the general tendency of the mob to be exaggerated in its judgments, to applaud uproariously or to blame to excess. The multitude is not philosophical. Any one who wishes to get on must curry favour with the multitude, adopting its opinions and shutting the gate on true knowledge. Hence the unpopularity of the true philosophers, and the hollowness of the pretensions and unworthiness of many who call themselves by that name, but who only follow popular opinion.

Aristocratic, Philosophic Government.—The establishment of a state ruled by philosophers may be difficult but is certainly not impossible. It is obvious that the men who have all the *good qualities* demanded of the philosopher—guardians—will be few in number, for those who are "endowed with a quick comprehension, a good memory, sagacity, acuteness, and their attendant qualities, do not readily grow up to be at the same time so noble and lofty-minded, as to consent to live a regular, calm and steady life: on the contrary such persons are drifted by their acuteness hither and thither, and all steadiness vanishes from their life. On the other hand, those steady and invariable characters, whose trustiness makes one anxious to employ them, and who in war are slow to take alarm, be-

have in the same way when pursuing their studies: that is to say, they are torpid and stupid, as if they were benumbed, and are constantly dozing and yawning whenever they have to toil at anything of the kind."

All such must be debarred. Thus all must pass the very strictest tests, and must be shown to be acquainted with the highest object of science, the Form of the Good.

This leads to a discussion on the form of the good in Book VII.

Classification of States and Cycle of Political Revolutions.—The ideal state is a monarchy or aristocracy. Existing imperfect constitutions may be divided into the following classes— Bk. VIII.

1. Timocracy or Timarchy. The war-like, ambitious state. Crete and Sparta belong to this class.
2. Oligarchy.
3. Democracy.
4. Despotism.

Timocracy.—States degenerate owing to dissensions among the rulers.

All things are liable to decay. According to a complicated mathematical cycle, periods come in the history of the ideal state when children will be born not having the high qualities of guardians. Some will be of lesser breed—covetous and ambitious. Hence envy and dissensions will arise, the result of which will be the enslavement of the subjects of the state. The ambitious spirited element will prevail. There will be a degenerate inclination towards men of war and of a narrower character than the true guardians, a greater value set upon the arts and

stratagems which war calls forth. Aristocracy will pass into Timocracy, of which the chief characteristics are party-spirit and a love of distinction. This state is a compound of good and evil.

Oligarchy—Oligarchy is a constitution founded upon a property qualification in which the wealthy rule, while the poor have no part in the government. Timocracy passes into Oligarchy by the growth of the money-getting habit. "Instead of being contentious and ambitious, such persons end by becoming lovers of gain and covetous." The essential fault of oligarchy lies in the fact that wealth is the sole criterion of government. A second is its incapability of waging war. A third is the free and unrestricted sale of landed property the result of which is that a man may live in a city without having a stake in it.

Democracy.—Democracy arises through the discontent and jealousy of the masses of their rich rulers—such discontent and jealousy arising in various ways. Its characteristic is the full freedom and license of every man to do and say what he pleases. Therefore there is a complete and extraordinary diversity of character. It is "an agreeable, lawless, parti-coloured commonwealth" dealing with all alike on a footing of equality, whether they be really equal or not.

Despotism.—Despotism arises out of democracy by the insatiable craving of the latter for what it considers to be the chief good—freedom. For the ruled cannot tolerate any kind of rule. Subjects condemn their governors, pupils their masters, children their parents. Masters, parents, rulers fear and flatter those whom they are supposed to

guide and rule. The laws themselves are made light of. Anarchy at length prevails. Parties arise. The general mass of the commons rally round a leader or champion, give him a body-guard, and gradually he becomes a tyrant or despot. Thus the people "will have exchanged that vast and unseasonable liberty for the new dress of the harshest and bitterest of all slaveries." A city under a Bk. IX. tyrant is supremely wicked and miserable, whereas one under such kingly government as was first described is supremely virtuous and happy.

Other Political Writings of Plato.—The *Politicus* or *Statesman* is not directly a treatise upon political philosophy, but the subject is used to provide an exercise in logical differentiation. It contains an argument in favour of government by an absolute monarch who is above the law, which is in very close approximation to the absolute undivided sovereignty of Hobbes in the *Leviathan*, and also a classification of imperfect states which is very close to that afterwards worked out by Aristotle in the *Politics*. In the *Laws*, Plato abandons the ideal to a certain extent and endeavours to find a kind of state which shall be as good as existing conditions will allow. His purpose in this book might almost be put in the words of Rousseau in the beginning of the *Social Contract*: "I mean to enquire if, in the civil order, there can be any sure and legitimate rule of administration, men being taken as they are, and laws as they might be." Absolutism and communism are abandoned. Because of the imperfect nature of man, and the difficulty if not impossibility of finding a man with the divine gift of apprehending truth, the rule of law must be

supreme. Private property is allowed, although the common messes are retained. To prevent economic disaster, property is inalienable, and there is to be a limitation of the number of offspring.

Aristotle criticised the *Laws* in many points of detail, but there is a strong resemblance both in economics and in the advocacy of a mixed constitution to the Aristotelian line of thought in the *Politics*, so much so that it is impossible not to think that the *Laws* made a very strong impression upon the mind of Aristotle.

Aristotle

Life.—Aristotle was born at Stagira in the year 384 B.C. In his eighteenth year he left his native city and went to Athens, and remained there as the pupil of Plato, until the death of the latter some twenty years later. Then after a few years he joined Philip, King of Macedon, and became tutor to the young prince Alexander until the accession of the latter to the throne in 336, when he returned to Athens and kept a school in the Lyceum for twelve years. He died in the year 322 B.C.

Aristotle was therefore as much a man of the world as an academic philosopher. He had sat at the feet of the greatest teacher of his time, and he lived with and taught one of the greatest of men in the history of all ages. He beheld the license of Athens, and the degeneracy of Sparta, and he saw the downfall of the Greek city-states before the vigorous onslaught of Philip of Macedon. He must have followed with interest the ever victorious march of Alexander into the almost unknown

countries of the east, and the steady growth of his power and dominion. Like Plato he had a very practical knowledge of the subjects of politics and education, and of either of them it might have been written—

> "Much have I seen and known; cities of men
> And manners, climates, councils, governments."

The *Politics*.—The *Politics* and *Nicomachean Ethics* are very closely connected. The subject of the *Ethics* is the Good Life, but this can only be attained in the state, for the latter is the great educative institution and upon it depend justice and virtue. Hence an examination into the nature of the state follows naturally upon a consideration of the good life for which the state exists. The *Politics* differs from the *Republic* in the fact that whereas the latter deals in the main with the nature of the ideal state, the former covers in a general way the whole ground of political philosophy, asking many questions about the state, and endeavouring to supply answers to them all. In method again they differ. That of Plato is mainly deductive. Aristotle uses all methods—deductive, analytical, historical, inductive. The books, however, are alike in this, that they do not present to the reader the finished product of a clearly defined and well-worked-out process of reasoning, but rather they show the line of reasoning in process of construction, with all its doubts and hesitations, its vague searchings after truth, its digressions, its stoppages and side issues. Such books have the merit, that if they are slightly confusing, they are, on the other hand, supremely stimulating. The *Politics* is

indeed more discursive and unfinished than the *Republic*, and is thought to consist of several separate essays, or rather sets of notes, which are incomplete and are but loosely joined together.

The *Politics*

Analysis.—The *Politics* may be divided into three parts—

Books I, II, III.—An enquiry into the nature of the state, an examination into states projected by individual thinkers, and into existing states, and a classification of states—all with a view to arriving at the ideal state.

Book I—an analysis of the state, and an account of its origin, and internal economy.

Book II—a critical examination of Plato's *Republic* and of other projected or existing states.

Book III—continues the analysis commenced in Book I, classifies states, and considers some of these classes with a view to arriving at the best state.

Books IV and V.—The ideal state.

Book IV—structure of the ideal state and introduction of the subject of education.

Book V—education.

Books VI, VII, VIII.—An enquiry into the merits and possibilities of the various classes of states.

Books VI and VII—continue the examination of the classes of states commenced in Book III.

Book VIII—treats of political revolutions, their causes and preventives.

The order of the books here given is that (Bekker's) given in Welldon's translation of the *Politics*, from which all references and quotations are taken.

The order is not altogether satisfactory, but the books arranged into three groups in this way have in each group some unity, and follow a logical order. No arrangement is completely satisfactory, owing to the unfinished nature of the treatise. An attempt has been made in this chapter to place the arguments in each book of the *Politics* in some logical and easily comprehensible order. Even so they are not, and are not meant to be conclusive. As they appear in the text they are more discursive.

Book I

The End, Origin, Nature, and Economy of the State.

The opening chapters of the first book provide excellent examples of Aristotle's analytical method of teleological argument, and of a priori reasoning.

The Purpose of the State.—Inasmuch as the end of all action is some good, this is the end of every association. The state is the supreme association, therefore its end is the supreme good. Only in the state does man reach complete independence and full development. As the state was formed to make life possible, so it exists to make life good. Justice and right action are dependent on the state. Man is a political animal, and one who lives not in a state is either above or more probably below a man. Ch. i.

Life itself is an object of the state, but the higher life is emphatically the end proposed. Bk. III., ch. i.

The object of the state is to live well, and not merely to live. It is not military alliance, nor protection against outside enemies, nor trade, that Bk. III., ch. ix.

is the object of the state. Nor does mere local contiguity nor the practice of intermarriage constitute a state. A state, on the contrary, is the association of families and villages in a complete and independent existence, or in other words, in a life of felicity and nobleness.

The Origin of the State.—The nature of the state is to be determined by analysing the compound whole into its constituent parts. There are two primary and essential associations among human beings—that between male and female, and that between ruler and subject, master and slave. These two primary associations together form the primitive household. With the growth of the household into several families descended from the same ancestor, comes the village. The association composed of several villages is the state.

Ch. ii.

The Patriarchal Theory of Government.—The household was governed by its eldest male member. So also were the offshoot households forming the village. Hence patriarchal government was universal in primitive times, and monarchy is generally represented as divine. Nevertheless householders, kings, and constitutional statesmen are different in kind.

Aristotle's theory of the origin of the state, and of the form of primitive government—the patriarchal theory—is substantially that at which Sir Henry Maine arrived. But whereas Aristotle's theory is arrived at by the analytical method, Sir Henry Maine arrived at his conclusion by an inductive examination of the evidence at his disposal. It is curious, too, that the error of Sir Robert Filmer in the *Patriarcha* should be hinted at and condemned

by Aristotle. Filmer noted—what is true—that Aristotle did not follow up the argument that the householder, king, and constitutional statesman differ in essence and not merely in degree. "From this argument nothing doth follow but only this, that conjugal and despotic communities do differ." *Patriarcha* II., 3.

The State Natural and Prior to the Individual.—If it be admitted that the household and the village are natural—*i. e.* that they are not the deliberate and previously thought-out creation of man—it follows that the state is natural in the same sense, for a thing is regarded as natural when it has reached its complete development—*e. g.* a man or a horse—and the state is the complete development of the household and the village. It follows also that the state is prior to the household and the individual as the whole is prior to its part, because the individual is a part of the state, and can only perform his proper functions in the state, just as the hand can only perform its functions when it is a part of the body. Ch. ii.

Domestic Economy.—Since the state is composed of households, it is necessary to consider the domestic economy of the latter. This includes the art of finance and the relations of the householder to his slaves and families.

Slavery.—Slavery is proper and natural inasmuch as some men are fitted intellectually to form projects and thus are natural rulers or masters, while others are only fitted to carry them out, and are subjects or natural slaves.

The principle of rule and subjection pervades all nature. In the human being, the soul rules the body, and if it is not so, if the lusts of the body escape from

the control of the soul, then the being is corrupt. Slaves are men who differ from animals in being able to understand reason and from their masters in not possessing it. They are pre-eminently capable of physical service, and it is to their advantage—as it is to that of domestic animals—to be at the disposal of those who can take advantage of their abilities and at the same time guide and protect them.

Ch. vi. Unfortunately not all who are slaves legally can be regarded as natural slaves. Many are enslaved by mere conquest, and from this two schools of thought have arisen. Some maintain that the conqueror is always superior in respect of some good and are apt to confuse justice and virtue with force. Thus they justify all slavery. Others insist upon the monstrous nature of the doctrine that any one who has been the victim of force is to be the slave of any one employing force. Such slavery is unjustifiable. There is a mutual helpfulness and friendship of master and slave wherever the relation is in accordance with Nature's ordinance; just the contrary is the case where it is unnatural and depends upon law or force.

Ch. xiii. It cannot be denied that slaves are capable of virtue, for to do so would be to deny that they were human beings, but the virtue of slaves is different from that of masters both in kind and degree, being proper to the part they have to play. All the virtue that the slave requires is so much as will prevent his failing in his duties from licentiousness or timidity.

Similarly the virtue of women, children and artisans is limited and different from that of men,

and they cannot be regarded as full citizens of the state.

Finance or the Art of Acquisition.—Property is a necessary instrument to existence, and in so far as finance is concerned with the acquisition or production of useful or necessary articles it is a part of domestic economy. It is indeed not unworthy of the attention of statesmen, for states as well as households require property and must look to their sources of revenue.

Stock-farming, agriculture and arboriculture, bee-keeping, poultry-farming, the propagation of fish, are all right means of the production of wealth, and as such a part of natural finance on its practical side. Ch. xi.

Unnatural Finance.—But there is another kind of finance which is unnatural and pernicious, and yet which in the judgment of some who confuse money with wealth, includes the whole art of finance. This kind consists in making money by trade and exchange. Now exchange is not in itself wrong or harmful. It is the necessary corollary of the growth of the household into the village, if the latter is to be as independent as the former. Moreover, if exchange is to be carried on to any great extent, a medium of exchange becomes indispensable, and barter gives place to the use of money. Then unfortunately there arises the craze to make money among those who confuse currency with wealth, and unnatural finance is brought into being whereby money is made out of trade. This is unnatural since it does not increase real wealth, whereas natural finance is necessary and productive. Ch. ix.

Unnatural finance includes commerce whether Ch. xi.

overseas, wholesale or retail, usury, and hired labour,
Ch.x. but of all these none is so pernicious as usury—lending money upon interest. This is making money out of money, an unnatural function, for money was invented simply as a medium of exchange. No form of money-making does so much violence to nature as this.

Ch. xi. Midway between natural and unnatural finance stands the production and exchange of goods which do not actually yield fruit, *e. g.* mining and wood-cutting.

Aristotle's notes on domestic and political economy are vague, incomplete and confused. His conclusions are different from what we should arrive at to-day—but, as always, he is stimulating and interesting. His defence of slavery would not be admissible to-day. Yet it is only during the last century that public opinion has generally forbidden slavery, though the Christian Church sought to mitigate and abolish it throughout the Middle Ages. Granting that some men are fitted to form projects and others to execute them, the difficulty would be to make a rigid classification. Aristotle had no difficulty. Greeks were in the first class, and all "barbarians" in the second. To-day it may be said that some races are in the first class and others —low in the scale of civilisation—in the second. But there are many intermediate races which it would be impossible to classify rigidly, while there would be similar difficulty about many individuals of a race, that as a whole offered no difficulty in classification. Moreover with the growth of civilisation and the spread of education the difficulty increases every year. Slavery not based upon men-

tal and moral superiority, even Aristotle condemned. Aristotle's arguments as a matter of fact lead to no further conclusion than that some races and people are fitted to rule, and others to obey—a conclusion which is admitted even more in practice than in theory to-day. They do not justify all that we mean by slavery, although Aristotle is perfectly clear that slaves are only animate instruments of production, and as such, property.

The division of finance into natural and unnatural, and the condemnation of money-making from exchange, almost anticipates the error of the Physiocrats at the end of the eighteenth century, while in his denunciation of usury Aristotle was at one with the teaching of the Christian Church and of Islam throughout the Middle Ages. It was not really until the Industrial Revolution of the eighteenth century brought about the rise of production on a large scale, and the consequent increase of capital required, that it was generally recognised and admitted that interest must be paid for the use of capital, since without it large masses of capital could not be accumulated, and large-scale production would be an impossibility. Still even to-day the ethical justification of interest presents an acute problem.

Compare Aristotle's denunciation of the error of those who confound unnatural finance and the whole art itself, with the opening passage of chap. i, Book III, of Mill's *Political Economy*.

"The subject (exchange) on which we are now about to enter fills so important and conspicuous a position in political economy, that in the apprehension of some thinkers its boundaries confound themselves with those of the science itself. One eminent

writer has proposed as a name for Political Economy, 'Catallactics' or the science of exchanges. It is a case of the error too common in political economy of not distinguishing between necessities arising from the nature of things, and those created by social arrangements."

Book II

Critical Examination of Plato's Republic, *and of other States, projected or existing*

Ch. ii. **Criticisms of Plato's *Republic*.**—(1) The aim in the *Republic*—that the state should be as nearly as possible a unit—is wrong, for the more nearly a unit it becomes the more will the state approximate to the household and the individual. Only in the state does an association of people become complete and independent. The state is more complete and independent than the household, and the household than the individual. It follows that a condition of less is preferable to one of greater unification. Again, a state—being an organic whole—consists of individuals of diverse kinds with diverse functions. It would be impossible to form a state all the members of which are alike.

Ch. iii. (2) But even supposing that the aim were good, the community of wives and children is not the way to attain it. If "all call the same thing mine" as Plato demanded of his guardians, the word "all may be used individually or collectively. If "all" means "each individually" the aim might be attained, but unfortunately each individual would not call each woman his wife and each child his own son. "All" means all collectively, which means

nothing. Moreover where no individual has any distinct personal claim or ownership over any child or property, affection will give place to indifference. The more a person or thing is shared with others, the less it is cared for. This lack of mutual affection would have the very opposite result to that Ch. iv.
which Socrates desires, for mutual affection is the greatest safeguard against sedition, as even Socrates admits.

(3) There are other objections of a practical nature. Ch. iii.
It would be impossible to prevent suspicion of actual relationships owing to the likeness of children to their parents, while the terrible crimes of parricide, Ch. iv.
incest, etc., may be committed. The transference of children from one class to another will also not be without its attendant difficulties. In fact a community of wives and children is better suited to the husbandmen than the guardians, for if the former are lacking in mutual affection they will be the easier ruled.

Community of Property.—There are also many Ch. v.
practical difficulties inherent in a system of common property, which make private ownership far preferable. The latter is much less likely to give rise to disputes than the former. Community of property is in fact specious and chimerical. Private ownership, however, should be so tempered by wise laws that a disposition is fostered in the citizens always to share their property with their friends. It may be added that a community of wives and property would do away with the exercise of two of the noblest virtues—continence and generosity. Moreover Plato's *Republic* is incomplete inasmuch as nothing is said about the conditions of property

and of the family among the husbandmen, who, after all, constitute the great mass of the citizens—nor about their education, laws, or political constitution.

Where is to be the happiness in Socrates' State? It is denied to the guardians, and it is certain that the subordinate classes won't be happy. Elsewhere Aristotle criticises Plato's statement that the guardians should be affectionate towards their friends and savage towards strangers. It is not right to be savage towards any one.

Ch. vi. **Criticisms of the *Laws*.**—The *Laws* consists mainly of legislative enactments, but the polity, although supposed to be more practical, gradually approximates to that of the *Republic*. Criticisms have regard mainly to points of detail. The assertion that the best polity is a compound of Democracy and Tyranny is contradicted. These are the worst of all polities.

Ch. vii. **Limitation or Equalisation of Property.**—In the *Laws* Plato advocated the equalisation of landed property, and a limitation of the total wealth of a citizen. Phaleas of Chalcedon also advocated the equalisation of the property of citizens. The reason for this is that questions of property are the occasions of all civil disturbances. Aristotle's objections to these proposals are—

(1) All such proposals are impracticable unless accompanied by a limitation of the growth of the population. The unequal increase in the size of families will destroy the equality of wealth.

(2) It is not enough to equalise property. The actual amount must be fixed, not too large so as to occasion luxury, nor too small as to be a cause of penurious living.

(3) The upper classes will never be satisfied with an equalisation of property, as they will consider themselves entitled to more.

(4) Civil disturbances are caused by desire of other things besides wealth, *e. g.* honour, and gratification of pleasure. Equality of property, therefore, alone will not abolish crime. It is necessary to educate all the citizens so that the higher natures are unwilling, and the lower unable, to aggrandise themselves.

Aristotle criticises certain other points in the policy of Phaleas of Chalcedon, and then deals with the polity proposed by Hippodamus of Miletus.

Conservatism and Radicalism.—Is it injurious or advantageous to states to alter their ancestral laws and customs where another better law or custom is possible?

Advantages of change—

(1) Progress in the arts and sciences is only possible by departure from ancestral rules. So it must be in politics.

(2) Ancient customs are often rude and barbarous. It is not what is ancient but what is good that the world wants.

(3) Our first parents were not so especially wise that we should abide by their decrees.

(4) General laws cannot take into account every individual case, and must be altered to suit the latter.

This maxim is the justification for the so-called case-law or judge-made law that emanates from the courts in modern countries.

Disadvantages of change—

(1) It is an evil to accustom the citizens lightly to repeal or alter their laws.

(2) There is no true parallel between altering the rules of an art and changing the laws. For obedience to the laws depends upon habit, and only time can form habits. So that to change the laws is to weaken their efficiency.

Further, there are the questions of the conditions under which laws are to be altered, and the people by whom they are to be altered.

Aristotle next considers states actually in existence (1) relatively to the ideal state and (2) relatively to the idea of the citizens in establishing the states.

He considers the States of Sparta or Lacedæmon, Crete, and Carthage.

Sparta or Lacedæmon.—In the first place, the aim of the state is wrong. It is not virtue but the military spirit, which is conducive to a career of conquest, for they hold that the good which is obtainable by virtue, is preferable to virtue itself.

The treatment of the Helots is wrong. It is true that a subject population is necessary in every good state, so that the citizens may be relieved from anxiety about the bare necessaries of life. But it is extraordinarily difficult to manage this subject population. If they are left without restraint, they grow insolent; while, if they are harshly treated, they are in a state of conspiracy and bitter ill-will. The latter is the condition of the Helots, and the Lacedæmonians have not been successful in their treatment of these people.

Where the condition of the women is unsatisfactory, one-half of the state must be regarded as destitute of legislative regulations. The condition of women is one of license and luxury. Their influence is too great, and leads to avarice and immorality among the citizens.

The contribution to the common meals is more than the poor can afford to pay, and they are thus deprived of the rights of citizenship.

There are very great inequalities of wealth among the citizens, and the landed property has fallen mostly into a few hands, while nearly two-fifths of the land belong to women. Thus as the population increases, the great mass is very poor, and the number of heavy-armed troops grows continually smaller.

Finance is bad. There is no reserve fund, and citizens are reluctant to pay extraordinary taxation to meet the expenses of war.

It should be noted that these economic criticisms of Aristotle indicate a condition of affairs in Sparta contrary to the original intention in the foundation of the constitution.

Kingship in Sparta is a bad institution. The kings are distrusted, since their enemies are associated with them in their missions beyond the border, and their dissensions are regarded as a safeguard of the state. It would be better to select each king in virtue solely of his own life than to follow the hereditary principle which actually obtains.

The Admiralty is little less than another kingship, and is a cause of civil discord.

The Ephoralty is not a good institution, for although the commons are quieted by their eligibility

for this high office, the poverty of the holders leads to corruption and venality, while their ignorance gravely impairs their value as judges. Nevertheless such is their power that even the kings have to pay court to them. Their prerogative is too great.

The Senate is unsatisfactory. The candidates for office are compelled to descend to the indignity of a personal canvass. The Senate, too, has been known to sacrifice public spirit to corruption and favouritism. The Senate ought to be responsible to the state —not to the Ephors, whose power is too great.

Crete.—The constitution of Crete is in many respects similar to that of Sparta, so that many believe that the latter was modelled upon it. Both states have the same object—the inculcation of the military spirit. Both have a subject agricultural class; both have a system of common meals. Their political systems are analogous. Kingship has disappeared from Crete, but there is a Senate, a general assembly of all the citizens, while the ten Cosmi correspond to the five Ephors in Sparta.

There are, however, differences. The common meals are better regulated in Crete than in Sparta, inasmuch as they are a charge on the state, so that all—men, women and children—are fed at the public expense. There are a number of regulations to ensure moderation in eating, and to prevent a too rapid growth of the population.

The Cosmi are elected from among certain privileged families, but nevertheless the evil is the same as in the case of the Ephors, viz.: the eligibility of persons with no special qualifications. Similarly the Senate—elected from among the ex-Cosmi—is too irresponsible.

The Cretan state, in fact, approximates to a close oligarchy, and actually powerful persons have been able by forming cliques to suspend the office of the Cosmi, in order to escape punishment for their misdeeds.

The subject population of Crete seems contented, at any rate they have not revolted, like the Helots of Sparta.

Carthage.—The constitution of Carthage is similar in some respects to those of Sparta and Crete. There is a system of common meals, kings, senators and the Hundred and Four, who correspond to the Ephors. But the kings, although they must belong to the aristocracy, are elected. Similarly the Hundred and Four are elected for their personal merit—unlike the Ephors.

But although the Carthaginians meant to establish an aristocracy, the result has fallen short of this ideal, and the state is partly oligarchic, partly democratic, for in case of dispute the ultimate authority is the Commons, while it is to wealth as well as to merit that regard is paid in elections. Nevertheless in spite of its oligarchic character, Carthage avoids civil disturbances by encouraging emigration. This, however, is a fortunate result that is not due to the constitution.

Athens.—Solon is considered to have had the merit as a legislator that he abolished oligarchy and gave to Athens a mixed constitution—aristocracy in the Areopagus and in the appointment to magistracies, and democracy in the courts of law. On the other hand, he is censured for having put the supreme jurisdiction into the hands of the Commons by his system of appointing to the courts by lot. The

result of this was a rapid degeneracy of the state into the extreme democracy at the time of Aristotle. This, however, was not so much due to the measures of Solon as to unprincipled demagogues who took advantage of the elation of the Commons after their success in the Persian wars.

Book III

Classification of States and Enquiry into the best form of Government

Ch. i. **What constitutes Citizenship of a State?**—Not merely residence nor ability to sue in a civil action. Citizens are those who participate in judicial power and deliberative office, *i. e.* those who have the right to meet in the general assembly and to serve as jurors in the courts of law.

Strictly speaking this definition is only true in democratic states, although it may apply in others as well. But in Lacedæmon and Crete, for instance, the deliberative and judicial functions are assigned to persons whose term of office is strictly defined, while in democratic states they are held in perpetuity by the citizens.

Ch. ii. But for practical purposes a citizen is usually regarded as one who is descended from citizens on both sides. But even so, the original ancestors must have satisfied the original definition. What about those who obtain political rights in consequence of a revolution? It may be said that they are not just or true citizens, *i. e.* from an ideal point of view. But actually they are citizens and must be regarded
Ch. iv. as such. The virtue of a good man is not identical with that of a good citizen. When we speak of a

good sailor, we mean one who is skilled in navigation, *i. e.* a sailor's virtue has reference to his surroundings and the purpose of his work. So the virtue of a citizen is relative to the polity in which he lives, whereas a uniform perfect virtue is characteristic of the good man. If all citizens possessed the virtue of the good man, they would all be alike, but their virtue cannot be one any more than that of the leader and that of a subordinate member of a chorus. The ruler should have the virtue of a good man.

In Book I it was stated that the ruler must possess moral virtue in its full development. He should combine goodness with prudence. But the latter quality is not necessary for the ordinary citizen. Therefore only when the citizen is a ruler, will his virtue be the same as that of the good man.

There is, however, a difficulty here, for that constitution is generally praised where the citizens can be and actually are in turn both rulers and subjects. Parenthetically it may be remarked that if the virtue of the good man and the good citizen are not identical but the former is characteristic of the ruler only, this alternation of rule and subjection in the same person cannot be as good as is supposed. However, just as good generalship can only be learnt by serving under a good general, so it may be conceded that in constitutional government the ruler can only learn by first being a subject, so that the citizen must have all the qualities of the ruler and therefore of the good man, though they may be dormant while he is a subject.

Can Mechanics and Artisans be Citizens?— Ch. v.
In Book I it was stated or implied that artisans

were incapable of virtue. Are they then to be admitted as citizens? They certainly can never be eligible for public office. Either then our definition falls to the ground or they cannot be regarded as citizens. In the latter case, to what class must they be assigned, since they are not resident aliens? The fact is that there are many classes such as slaves, freedmen, children, whose existence is indispensable to the state, yet who cannot be regarded as full citizens. And though it is true that in extreme democracies and in some oligarchies mechanics are regarded as citizens, still eligibility to office is the most exact test of citizenship.

Ch. iii. **What constitutes the Identity of a State?**—This question arises out of the fact that it is sometimes claimed after a revolution and change of government from tyranny or oligarchy to democracy, that the state is under no necessity to discharge the obligations contracted by the former ruler, since they were not really incurred by the state.

Two tests are suggested—

(1) That the state remains the same, while it occupies a certain site;

(2) That it remains the same while the race of inhabitants continues.

These are not satisfactory tests. The real test lies in the continuity of the constitution.

The justice of fulfilling engagements or not, when the state exchanges one polity for another, is a different question.

Ch. vi. **Definition of a Polity.**—A polity may be defined as an order of the state in respect of its

offices generally, and especially of the supreme office.

Compare Prof. Dicey's definition of a Constitution "as the product of all rules which directly or indirectly affect the distribution or the exercise of the sovereign power in the state."

Classification of States.—In any state the constitution is determined by the governing class, and states may be classified—

(*a*) According to the nature or extent of the governing class, and

(*b*) According to whether the government is beneficial to the subjects or not, for the government of a state differs from that of slaves inasmuch as the latter seeks primarily the benefit of the master, though incidentally the slave also is benefited; whereas the former should be essentially for the good of the subjects, though the ruler also gains through being also a member of the state.

Therefore all constitutions which seek the good of the community are normal, while those which seek primarily the private good of the rulers are corruptions or perversions of these.

States are therefore classified as follows— Ch. vii.

	Normal	*Perversion*
Governed by one man .	Monarchy	Tyranny
Governed by a few men .	Aristocracy	Oligarchy
Governed by the many .	The Polity	Democracy

It is uncertain whether aristocracy is so called because it is government by the best citizens, or because it is in the best interests of the state.

With regard to the Polity, this constitution generally amounts to this, that all who can bear arms enjoy full political privileges, for though you may find one or even a few citizens of super-eminent virtue, you will not find the majority excelling in anything except military virtue.

Ch. viii. The real distinction between oligarchy and democracy lies not so much in the number of the governing class, as in the fact that in oligarchy the moneyed and wealthy class is supreme, while in democracy the poor have the power. In each case, the state is not ruled in the interest of the community at large, but only in that of the governing class.

Ch. xiv. **Monarchy.**—Aristotle distinguishes between five species of monarchy—

(1) Absolute monarchy where an individual is absolute in all things, like the head of a household.

(2) Monarchy of the heroic period, when obedience was voluntary and the power of the king strictly defined.

(3) Non-Greek monarchy—an hereditary despotic rule of a constitutional character.

(4) The Æsymneteia, an elective tyranny.

(5) The Laconian—an hereditary generalship for life. In Book VI, chap. x, Aristotle states that the third and fourth species are tyrannies of the perverted kind. Another kind is the "irresponsible exercise of rule over subjects all of whom are the equals or superiors of the ruler, for the personal advantage of the ruler and not of the subjects." This is a tyranny of the worst kind.

The above classification is historical, based upon

observation of kinds of monarchy actually in existence. It is not an exhaustive—philosophical classification, based upon some a priori principle, of all possible forms of monarchy.

The Rule of an Arbitrary Monarch *v.* The Rule of Law.—It is contended that even in the practice of medicine the physician may and must depart from recognised prescriptions if they do not fit individual cases. Similarly laws are of a general nature, and are not made out for individual cases. Ch. xv.

But against this it may be argued that physicians have no reason to be influenced by personal bias or favouritism, whereas statesmen may be so. Moreover the laws are unemotional, and freedom from the emotional element is desirable in government. Ch. xvi. Ch. xv.

The arbitrary rule of an individual according to his own pleasure is unnatural in a state where all are equal. The rule of the law is preferable to that of an individual. All officers of state should merely be guardians and ministers of the law, and though they decide the individual cases which the law has not expressly determined, and also have power to amend the law, nevertheless it is the law itself which gives them this power. To invest the law then with authority is, it seems, to invest God and intelligence only; to invest a man is to introduce a beast, as desire is something bestial, and even the best of men in authority are liable to be corrupted by anger. Ch. xvi.

When Monarchy is Justifiable and Desirable.—Nevertheless wherever there is a family or individual whose virtue and political capacity are so pre-eminent that they exceed that of all the citizens, that family or individual must be regarded Chs. xvii. and xiii.

as above the law. You cannot legislate for them. The family should enjoy a regal position, and the individual should be king.

Ostracism.—In democratic and oligarchical states, however, it is often the custom to ostracise
Ch. xiii. such persons. This is a practice analogous to that of tyranny in putting such persons out of the way. It is not altogether to be deprecated if it is exercised in the interests of the state. At any rate it is just according to the principle of those states, though
Ch. xvii. not just absolutely. Absolutely it is not proper to ostracise such individuals nor to require them to become subjects in their turn. The citizens should yield their obedience, and they should be supreme not on the principle of alternation but absolutely.

Ch. xv. **Monarchy *v.* The Rule of the Many.**—But given that the law cannot decide in every individual case, is it better that authority should reside in an individual of supreme merit or in the whole body of free citizens?

The many are probably superior in judgment to the one. Moreover a large number is less liable to be corrupted than one. An individual may be swayed by passion, but it is unlikely that the many would be simultaneously so swayed.

It is assumed in this argument that the citizens never act without the sanction of the law except in cases where it is inadequate.

Ch. xv. **Monarchy *v.* Aristocracy.**—Admitting, however, that this condition cannot easily be realised in a large number of persons, surely it is better to entrust the government to several good men than to one, as they will be less liable to corruption. Two good men are better than one, witness the Homeric saying—

"If two together go, one thinks before the other," and Agamemnon's prayer, "Would I had ten such councillors as Nestor." Ch. xvi.

If it be objected that the several persons are liable to split into parties and to become factious, the reply is that it is the rule of several good persons that is preferable to one. In other words it is aristocracy—and not oligarchy—that is preferable to monarchy. Ch. xv.

Moreover there are other difficulties about monarchy.

Is it to be hereditary? But then if the sons of the kings are no better than they often have been, the interests of the state are prejudiced. And it cannot be believed that kings will not try to make their succession hereditary.

There is a difficulty also as to the military force of a king. It must be large enough to enforce the law and to coerce disobedient subjects, yet not large enough to overawe the collective body of the citizens.

Oligarchy *v.* Democracy.—As between oligarchy and democracy—democrats claim that justice lies in equality, and so it does, but only for equals; while oligarchy holds that inequality is just, and so it is, but only for unequals. Neither are able to form a right judgment on this matter, because their own interests are involved. For the democrats assume that if they are equal in one point, viz. in personal liberty, they are equal in all things, while the oligarchs assume that if they are superior in point of wealth, they are altogether superior. But both sides forget what is the true object of the state—not merely common life but noble action. It Ch. ix. and Bk. VIII., ch. i.

follows that those who contribute most to the association, as so conceived, possess a larger interest in the state, than those who are equal or superior in personal liberty or birth but inferior in political virtue, or than those who have the superiority in wealth but the inferiority in virtue.

Ch. xi. **Aristocracy *v.* Polity.**—But what about aristocracy and the polity? It has been claimed on behalf of the many that although individually they may be lacking in virtue, collectively they are superior to a few best people—just as the collective judgments of the crowd are the best for musical and poetical compositions. But this is not so. Virtuous men are superior to the ordinary run in the same way that the representations of art are superior to realities, viz. that the features which in real life are distributed among a number of objects are in the works of art collected into one. The masses collectively are no more superior to the virtuous few than the lower animals are to human beings.

Merits of Elective Representative Government.—Thus aristocratic government is superior to entrusting the rule of the state into the hands of the many. Nevertheless the exclusion of the latter is dangerous, as experience proves that it will raise many enemies to the state.

Some lawgivers, therefore, have empowered the commons to elect officers of state, and to hold them responsible, but deny them all individual tenure of office.

Arguments *against* this. Surely the faculty of judging in any art should belong to those who are wise in that art—in the art of government—no less than in any other, and it is inadvisable to entrust

the masses with final authority in electing officers of state or in holding them responsible, than which there are no more momentous duties.

Arguments *for*. In their collective capacity the masses may be at least as good judges as the experts. Moreover, it is not always the artist whose function it is to judge his work. Thus the person who has to live in a house is the right person to judge of its merits, and not the builder.

Further Discussion as to who should be Supreme in the State.—Justice implies a thing to be given and persons to receive it, and that equals ought to receive an equal share. Ch. xii

What therefore constitutes an equality or inequality in the state? Superiority in *any* good cannot constitute a ground for holding office, any more than superiority in personal beauty constitutes a claim for preferential treatment in the matter of flute-playing. Moreover, you cannot compare, for instance, superiority in stature in one man with superiority in virtue in another. Such things are incomparable. All comparisons in superiority, therefore, must have reference to the end of the state, *i. e.* the highest good of the community. From this point of view, the noble, or the free-born, or the wealthy might reasonably lay claim to political honour. The claims of justice and of military virtue may also be considered.

The wealthy claim that they have a larger interest in the soil, and they are more trustworthy in commerce. Ch. xiii.

The nobility claim that they are citizens in a higher sense than commoners, and that the children of better parents will themselves be better.

The virtuous claim on the ground of the essential importance of virtue to the state.

The numerical majority claim on the ground of their collective superiority in all the above respects to the minority.

If, therefore, in a state all the above classes exist together, who is to be supreme? There is considerable difficulty. If the claim of the few wealthy, or noble, or virtuous be admitted, then logically if there be one individual wealthier, or nobler, or more virtuous than all the rest of the citizens, that individual has a claim to be supreme ruler of the state. Moreover, the masses may argue that if wealth or virtue is made the basis of government, they are collectively wealthier or more virtuous than the few.

Ch. xi. **Supremacy of Law.**—Whatever be the ruling authority of the state, whether it be one or many, there is no doubt that the laws should be supreme, and that the ruler or rulers should have supreme authority only in those matters where the laws do not pronounce exactly. This does not solve the difficulty, for it has yet to be settled what should be the character of the laws. One thing is indisputable, that as the laws are relative to the polity in which they exist, those of normal polities are just, and those of perverted polities unjust.

There is only one exception to this supremacy of law, and that is in the case of such a person of superexcellent merit as has been already mentioned. He should be king.

Ch. xviii. **Conclusion.**—The normal forms of polity are three, and of these the best is that in which the state is administered by the best persons, *i. e.*

either by an individual or family of pre-eminent virtue and capacity, or by a body of men of pre-eminent virtue.

Monarchy is suited to a people ready to submit to a family of pre-eminent virtue; aristocracy to a free people willing to obey those whose virtue fits them for command; the polity to a people capable alike of rule and subjection. Ch. xvii.

The Course of History.—In primitive times, persons of pre-eminent virtue being rare, and states small, monarchy was usual. The spread of virtue led to aristocracy. This degenerated into oligarchy with the growth of avarice, and was succeeded by tyranny. Then the commons rose in revolt and established democracy. The large size of modern states makes any other government but democracy difficult. There are only two polities of common occurrence in the world—oligarchy and democracy; for nobility and virtue are the attributes of few, while the characteristics of democracy and oligarchy are common enough. Ch. xv. Bk. VIII., ch. i.

Aristotle's classification of states is not original. It is very similar to that given by Plato in the *Politicus*. It is probably the simplest and best that has ever been made, and is still used both in popular discussion, as well as in more academic treatment of the subject. But it has been subjected to much criticism, mainly upon the ground that it depends upon the possession of ultimate sovereignty—whether that be in the hands of one, or a few, or the many—whereas in modern states, ultimate sovereignty is an elusive thing, and it is not always easy to say in whose hands it lies. Thus England is theoretically and for sentimental and ceremonial

purposes a monarchy, but the executive government —the Cabinet—is aristocratic. Again, the Cabinet is said to be responsible to the House of Commons, which consists of the elected representatives of the great mass of the people. Therefore ultimate sovereign power may be regarded as lying in their hands, and the state is therefore a democracy or a polity. A further complication arises from the fact that—as has been well pointed out by Sidney Low in the *Governance of England* —between one general election and another, owing to the rigid discipline of the party system, it is not so much the House of Commons that controls the Cabinet as vice versa. With regard to this fact, therefore, England might be called an oligarchy. To this it might be replied that the English constitution is in a state of development, and the whole line of progress points towards democracy as the ultimate goal. But constitutions do not cease to be constitutions merely because they are in a state of transition, and they must be classified as they are, and not as they may possibly become. A still greater difficulty is provided by federal states such as the United States of America, India, Germany, Austro-Hungary and Switzerland. In these, sovereignty is still more elusive because it is apparently divided between the central government on the one hand and the constituent states, which claim to be sovereign in respect of certain matters, on the other. It is not altogether a satisfactory answer to say that in each of these federal states there must be some ultimate authority that has the power of altering the constitution, and that according to the location of this authority, the state may be classified. The

authority is often very difficult to locate satisfactorily.)

Lastly, Aristotle's classification takes no account of dependent and bureaucratically governed states such as British India.

Nevertheless although it is easy to criticise this classification, it is not easy to substitute a better one. Attempts have been made, but they are neither simple, nor of much practical value, whereas that of Aristotle does provide a working basis, and the very criticism of it draws attention to the essential characteristics and marked differences of modern states.

Aristotle's treatment of the subject of the best form of government provides an excellent example of thought at work. He does not lead up to a definite and categorical conclusion, but examines carefully the arguments for and against each form. Nevertheless it is apparent that he believes monarchy to be the best, *provided* that there can be found a man of super-eminent virtue and of political capacity for rule, but that he doubts the probability of finding such a super-man. As between aristocracy and the polity—or democracy—he considers the former the better, but in default of finding the necessary virtuous ruling class, he accepts the latter—in which the citizens are alternately rulers and subjects—as on the whole the only good practical form of government in his time. All along, however, he insists upon the supremacy of law.

It should be clearly understood that the democracy which Aristotle is willing to accept is very different from modern democracy which he would unhesitatingly have condemned. For he would

have excluded all artisans, mechanics and "banausic" men, and even if they were included, a large number of slaves without rights was the necessary condition of the extension of the state.

The practical nature of this book should not be lost sight of. It is not the ideal form of government that is discussed, but the best under actual conditions.

Aristotle touches upon, but does not treat of the question whether a government after a revolution should discharge the obligations incurred by the government that it has succeeded. This question has been in modern times something more than academic, and by reason of the doubt which enshrouds it, it has been argued that for a government to incur a national debt is a safeguard against revolution. At any rate, this was partly the reason why the Whigs supported the raising of the loan of William III of England, and the Tories opposed it, and it may be that the doubt as to what attitude the Stuarts would adopt towards the national debt, if their dynasty were restored, helped to confirm the great majority of the people in their determination to uphold the Hanoverian succession.

Books IV and V

The Ideal State and Education

Ch. iv. **Preliminary Remarks.**—The assumptions to be made in constructing the ideal state are not to exceed the bounds of possibility.

Ch. i.–iii. The nature of the best polity depends on (1) the life that is considered most desirable and (2) whether the life of the state may be considered similar to that of the individual.

"It may be taken as established that the best life whether for each individual separately or for states collectively, is one which possesses virtue furnished with external advantages to such a degree as to be capable of actions according to virtue." Ch. i.

Again, which is the more desirable life—the philosophical life of contemplation withdrawn from participation in practical affairs, or the life of political action? The same question may be asked both of individuals and of states. It is argued that to rule others despotically is unjust, while on the other hand, constitutional rule does not conduce to the felicity of the ruler. Similarly with regard to states there are some countries like Lacedæmon in which the sole object of the laws and polity alike is foreign dominion. How can such states be happy? Ch. ii.

It is true that both individuals and states ought to be happy in isolation, but such isolation need not imply inactivity. Happiness consists in action that is just. In states, isolation does not preclude mutual action among the members thereof. Ch. iii.

External Condition of Ideal State

Size.—The greatest state is not that which has the greatest numbers, but that which is best able to perform its functions. Moreover, even from the point of view of numbers, the most populous state is not necessarily the greatest, for the inevitable crowd of slaves, resident aliens, and foreigners is not a source of strength—nor indeed is a host of mechanics. No states with good polities entirely dispense with restrictions upon the increase of population. Multitudes cannot be reduced to order, Ch. iv.

and the state implies order. A state too large will therefore be unable to perform its functions and will cease to be a state, just as a vessel which is a quarter of a mile long will cease to be a vessel.

Similarly a state, if its members be too few, will not be in that independent condition which is essential to its existence. The correct size of the state may be determined by the fact that in ordinary matters of government and justice, the citizens should be acquainted with each other's characters. Otherwise the distribution of offices and the judicial decisions will be wrong. The number of the citizens should be the largest possible in order to ensure independence of life, but not so large that it cannot be comprehended in a single view.

In this discussion Aristotle has in mind the Greek city-state. The growth of modern nations has to a certain extent falsified some of his arguments, just as the growth of the modern Atlantic liner to a length of three hundred yards has falsified his analogy of the ship. Still it may be doubted whether all the modern large nations are enabled to keep that order among their subjects which it is the function of the state to keep. The tendency from the Middle Ages, however, has been for nations to form themselves into states by swallowing up the smaller units of which they were composed. A notable example is provided by Italy, which formerly consisted—among other states—of a number of city-states comparable to those of Greece.

In more recent times there has been a reaction, a tendency towards devolution of government, a cry for home rule, an emphatic assertion of independence on the part of small states.

The restriction of population which, says Aristotle, was the practice of the best states, has been in modern times advocated by Malthus and Mill, and on the other hand the Malthusian doctrine has been most virulently attacked. Malthus advocated restriction on economic grounds, and his opponents have taken their stand largely on the ground of the political and military inexpediency of such restriction in these days of armed nationalities. But the Greek reason for the restriction on population appears to have been political, though if carefully analysed it was probably largely economic.

The Nature of the Country and the Situation of the City.—The country should be of such a kind that the state is self-supporting and easily defensible. Communication with the sea has this disadvantage that it is liable to attract to the state a host of foreigners continually coming and going. But if this defect can be obviated, communication with the sea is advantageous both because of the opportunity it affords of importing necessary goods in exchange for its own surplus produce—to which commerce should be strictly limited—and also because of the greater means of defence provided by a naval force. Ch. v.

The city should be so situate that it is difficult to attack or blockade, but there should be ready and easy communication between it and all parts of the state. Its situation should be healthy, with shelter from the cold winds and an abundance of pure water. There is no disgrace in surrounding the city with walls as a defence against attack, and in fact all means of defence ought to be thought out on scientific principles, for "to be well-armed is a security against even so much as an attempt at aggression." Chs. v. and xi.

Ch. xii. Detailed arrangements with regard to the buildings in the city and the country are suggested, but it is concluded that an elaborate discussion would be unprofitable, as the realisation of such arrangements is so dependent upon natural circumstances.

Ch. vii. **Character of the Citizens.**—The citizens should be both intelligent and spirited, thus combining in themselves—as the Greeks, on the whole, do—the best qualities of both Asiatics and Europeans.

Ch. viii. **Indispensable Requisites of the State.**—There are certain things which are indispensable to the existence of a state, although they are not necessarily to be regarded as parts of it. These are food, arts whereby the necessities of life may be manufactured, arms for the preservation of order and for defence, wealth—a certain amount at any rate—the worship of the gods with its necessary ritual, and the machinery of justice. There must therefore be in the state a number of husbandmen, artisans, an army, a propertied class, a priesthood, and judges of questions of justice and policy.

Ch. ix. **Distribution of Functions.**—Are all the members of the state to share in all these functions, or are the latter to be allotted to separate classes? The practice varies among existing states. In democracies the former is the practice, in oligarchies the latter. But inasmuch as happiness is the aim of the ideal state, and happiness cannot exist apart from virtue, the citizens ought not to lead a mechanical or commercial life, for such a life is ignoble and opposed to virtue. Nor should they be husbandmen, for the work of cultivation does not leave the necessary leisure for the cult of virtue and the study of politics.

The Work of Government.—If there should exist in the state a body of persons so pre-eminent in bodily stature and qualities of the soul that their superiority—like that of heroes—is indisputable and self-evident, it would be desirable that they should be permanent rulers, and the rest subjects. But this is a state of things hard to realise, and among persons more or less of an equality, to frame such a polity would be both unjust and dangerous. Therefore the alternation of rule and subjection is best—subjection in youth and rule in age. Men will not hesitate to obey commands and to do acts that may be considered menial if they know that thereby they are trained for command. Ch. xiv.

The citizens should carry out the judicial, military and sacerdotal duties of the state, and all citizens should have a share in each of these functions. When they are young and vigorous they should be soldiers. When age has brought wisdom they should take up the deliberative and judicial work of the state, and when advancing years incapacitate them for this, then it is right that they should find their solace and their work in the priestly office. Only those who perform these various functions are the true citizens, and to these should be assigned the landed property, for affluence is necessary to citizenship. The others, who perform the remaining functions—the husbandmen, artisans and labourers—are, it is true, indispensable to the state, but they are not to be regarded as parts of it, for they do not cultivate virtue, without which happiness is impossible, and happiness is the aim of the state. Ch. ix.

This division of the members of the state into Ch. x.

castes—and also the system of common meals—is of great antiquity. It existed in Egypt and in Crete. Common meals are beneficial, and all citizens should join in them. It is not easy, however, for the poor to pay their share besides keeping up their own households. The common meals, therefore, should be provided at the public expense. The expenses of divine worship should also be a public charge. To meet these expenses half of the land should be public property and used for the purpose of defraying them.

The private property of each citizen, moreover, should be situated half near the city, and half on the frontier, so that there may be no conflict of interests between property owners when it is a question of war with a neighbouring state.

The cultivators should be slaves or else of a non-Greek slavish stock.

Ch. xiii. **The Attainment of the End of the State.**—Success always depends on (1) the right choice of a goal or end of action, and (2) the discovery of the right means to attain that end.

Now in the organisation of the state the aim is happiness. Happiness consists in a complete activity and practice of virtue, not conditionally but absolutely, *i. e.* not only in the exercise of such just actions as punishment or just revenge which are entailed by circumstances, but in the practice of such actions as are morally good in themselves.

So much for the end. Regarding the means, there is a popular belief that external goods are the causes of happiness; but this is wrong, for it is rather the use that the virtuous man makes of these goods than the goods themselves which is the cause of happiness.

A virtuous man will make a good use of poverty, disease and other evils.

Still it is not these but their opposites which are conducive to happiness. Therefore certain conditions necessary to the ideal state must be found ready to hand, and so far as these are concerned we can only pray that the composition of the state may be an ideal one. The virtuous character of the state, on the other hand, is an affair not of fortune but of knowledge and moral purpose. It depends upon the virtue of the individual, and this depends upon three things—on nature, habit and reason. The first, which is born with him, can often be altered or influenced by the two latter, and the inculcation of these is the work of education.

Aim of Education.—If some of the citizens are permanently to be rulers and some subjects, the education of these two classes must be different; but if each citizen has an alternation of rule and subjection, there must be a uniform system of education. This system must be directed to producing the virtues of the good ruler. But these are identical with those of the good man. Educationalists therefore must ascertain the methods whereby virtue is produced and what is the end or aim of the best life. Ch. xiv.

The human soul is divided into a rational part, and that part which although irrational is capable of obeying reason. Reason, again, is divided into two parts, practical and speculative. In each case the first part is the higher, and although both should be developed, preference must be given in each case to the first-named.

Similarly the actions of life may be divided into

those which are moral and desirable in themselves, and those which though salutary and indispensable are only means to the former.

Thus although work and war are indispensable and necessary, they are only means to attain leisure and peace. Therefore the citizens should possess a capacity for business and war, but still more for the enjoyment of peace and leisure. This should govern the system of education to which they are subject as children.

Unfortunately many Greek states have not kept this end in view when framing their laws and systems of education, and they have turned aside in search of what is supposed to be profitable and to afford a better chance of self-aggrandisement. The Lacedæmonians have been bad offenders in this respect, and their whole system of education and polity was directed to war and conquest. This is a demonstrably false aim, for if conquest meant happiness to them, now that they have lost their empire, they cannot be happy and their system must be bad.

Object of Military Training.—The object of military training should be threefold—

(1) Self-defence against foreign aggression.
(2) Dominion over others for their benefit.
(3) The exercise of despotic power over those who are deserving only to be slaves.

Those states which make military success their supreme aim collapse when they have gained imperial power. Like steel they lose their temper in time of peace, and for this the legislator is to blame who did not educate in them the capacity to enjoy leisure and peace.

Virtues to be Cultivated by Education.— Ch. xv. Thus the virtues to be cultivated are those suitable for the enjoyment of leisure and peace. But since work is the necessary pre-requisite of leisure, and readiness for war the condition of peace, the virtues of work and war must also be cultivated. Thus valour and endurance must be inculcated as well as intellectual culture, temperance and justice.

Beginnings of Education.—Education begins with nature and proceeds by the cultivation of habit and reason. But the body comes before the soul, and the irrational part of the latter before the intellect. Therefore education must commence with the development of the body and the direction of appetite and habit, and then proceed to the cultivation of the intellect and the soul, but it must not be forgotten that the last is the ultimate object.

Marriage.—The production of the best possible Ch. xvi. physical condition of the persons to be educated necessitates beginning with marriage. Many sound reasons are alleged against too youthful marriage. Women should marry about the age of eighteen, and men about thirty-seven. It is not necessary that prospective parents should have the bodily condition of athletes, but they should be disciplined and healthy for all the actions of a liberal life. The number of children should be limited, and it should be forbidden to rear a crippled child. Adultery should be regarded as a discreditable and criminal offence.

Education of Infants and Young Children.— Ch. xvii. Milk should be the staple diet during infancy and wine should be avoided. The free exercise of the limbs and lungs natural to childhood should be

permitted. It is beneficial to physical development. For the same reason the child should be inured to cold and other hardships. Up to the age of five no study should be enforced, but free bodily exercise and imitative play should be encouraged. The tales and legends recounted to children should be chosen carefully with regard to their moral effect. Children should be carefully shielded from all foul language, indecent scenes and plays. They should not associate overmuch with slaves. From the age of five to seven they should observe the lessons they will afterwards learn. Later childhood may be divided into two periods—from seven to puberty, and from puberty to the age of twenty-one.

Bk. V., ch. i. **Education an Affair of State.**—Education is an affair of the state and should not be left to private enterprise because—

(1) The educational system must be relative to the constitution of the state, developing the particular character amongst its citizens which is necessary for the preservation of the constitution.

(2) The end of the state being one, the education of the citizens should be uniform, and therefore not left to the idiosyncrasies of private individuals.

(3) Citizens are not their own masters but belong to the state, and should receive the education imposed by the state.

Ch. ii. **The Subjects of Education.**—There is considerable controversy as to whether the young should be trained in studies that are useful merely as a means of livelihood, or in the higher intellectual studies, or

in those which tend to promote virtue. And if virtue be accepted as the end, there is a further controversy as to the nature of virtue.

Studies that are indispensable as a means of livelihood should be taught, but none which would lead the boy to follow some mechanical pursuit for mercenary employment. This degrades the body, soul, or intellect of a free man and renders him unfit for the exercise and practice of virtue. The distinction between the liberal and the illiberal sciences lies not so much in the sciences themselves as in the object for which they are studied.

Reading and writing, gymnastic, music, and the art of design are the four usual subjects of education. Ch. iii.

Reading and writing and the art of design are taught for their general utility and serviceableness, although the former leads also to the acquisition of various other kinds of learning and the latter renders men scientific observers of physical beauty.

Gymnastic.—The purpose of gymnastic is the promotion of valour, but excessive devotion to athletic exercises is deprecated as tending to brutality rather than valour. Valour is not the aim of education, nor does brutality necessarily imply valour. The training of the body must precede that of the mind. Up to the age of puberty there should be a system of light exercises, without hard or excessive training, which is apt to arrest growth and development. The three years after the attainment of puberty should be devoted to intellectual study, which ought not to be carried on simultaneously with gymnastic. Later there should be a severe course of training and diet. Ch. iv.

Music.—Music is not an indispensable subject nor Ch. iii.

is it practically useful. Its purpose is the rational enjoyment of leisure, which is the end of work. But music has also a moral disciplinary effect, for it engenders enthusiasm in the soul and also sympathy with such moods as anger, courage, gentleness, etc., which can be portrayed by music. For this disciplinary effect, as well as for its sweetness which renders it acceptable to the young, it is essentially suitable as a subject of education.

Ch. vi. Children should actually be taught to sing and to play upon musical instruments, for only by actual practice will they gain the critical faculty. Moreover children require some occupation to keep them employed. On the other hand, they are not required to attain to the proficiency of practical musicians, for to use music as a means of livelihood is a species of hired labour unworthy of a free man. They should therefore give up performing as they grow older.

Aristotles's ideal state should be compared with that of Plato. The essential difference between the two lies in the fact that whereas Plato admitted that his ideal was scarcely practical, Aristotle has expressly stated that his object is to draw a picture of a state that shall in nowise exceed the bounds of possibility. Hence his state bears a much greater resemblance to the ordinary Greek city-state than that of Plato. The difference in the form of government—that Plato's state is aristocratic, whereas Aristotle's is democratic, is more apparent than real, for to modern ideas Aristotle's democracy is of so limited and narrow a character as to be scarcely distinguishable from aristocracy. Below the class

which alone he considers to be true citizens, and ruled by them—justly and benevolently, no doubt—is the very numerous unenfranchised class of artisans, mechanics and agriculturists, all without political rights—not to speak of the slaves.

In this respect the actual difference between the two ideals lies in the fact that Plato's guardians were to govern the state without any regard to their own happiness and comfort, whereas Aristotle's citizens were to conduct themselves and the state for their own good. There can be no question that Plato's conception is the higher ideal, but to this criticism Aristotle would doubtless have replied that his unenfranchised classes were incapable of virtue and therefore of true happiness, and that they would be ruled by the citizens for their own good. The incapability of artisans, mechanics, and agriculturists for virtue is an idea, however, that is not acceptable in modern times, wherein great stress is laid upon the inherent dignity and nobility of manual labour, and the belief is generally current that the working classes can be educated to a true conception of virtue and happiness the same as any other class.

There is little difference between the schemes of education set forth by Plato and Aristotle. They are at one in considering that the formation of character—moral, mental, and physical—is the true aim of education. Both lay great stress upon gymnastic training for the body, and the wise use of stories and music for the soul. Plato goes into the question of curriculum in greater detail than Aristotle, and discusses the use of mathematics and dialectic, but Aristotle's treatise is unfinished, and for that reason Plato's is perhaps of the greater

value. Both philosophers in their outspoken statements with regard to marriage and its effect upon offspring have anticipated the modern science of eugenics, which aims at the procreation only of the fit. But even to-day eugenics is in advance of the times, and the restrictions with regard to marriage and the rearing of children which they openly advocated could now only be whispered.

It is interesting to read in Aristotle that the eternal controversy between those who advocate a liberal curriculum—one which aims only at training the mind and soul without regard to the practical utility of the subjects taught—and those who advocate the teaching of subjects only that are of value in the gaining of a livelihood, which rages unabatedly to-day, was of at least equal interest to the ancient Greeks.

Books VI and VII

Consideration of Actual Polities

Bk. VI., ch. i. **Purpose of the Books.**—It is necessary to know not only that form of polity which is ideally the best, but also other kinds of polity which are suitable to the varying conditions of states that are unable to attain the ideal polity.

Ch. ii. Of the six polities that have been mentioned, Monarchy and Aristocracy have already been discussed. These are the best, constituted as they are upon a basis of virtue furnished with external means. There remain the other four—the polity so-called, democracy, oligarchy, tyranny. Of the perverted forms, tyranny is the worst and democracy the least bad, for the perversion of the primary or most divine form must be the worst.

We have therefore to—

(1) Ascertain what are the various forms of oligarchy and democracy.
(2) Determine which polity is best suited to the great majority of states.
(3) Determine what special form is desirable for any particular people.
(4) Enumerate the agencies destructive and preservative of particular polities.

States Classified as Oligarchies or Democracies.—A state consists of a number of different classes of men, according to differences of race, character, wealth, etc., and the nature of the polity is determined by the distribution of the offices of state among these classes. Ch. iii.

Now in every state the following classes are to be found— Ch. iv.

(1) Agricultural class.
(2) Mechanic and artisan class.
(3) Commercial class.
(4) Hired labour class.
(5) Military class.
(6) The propertied and wealthy class.
(7) Class of executive officers of the state.
(8) The deliberative and judicial class.

But as a matter of fact these various functions may be and often are united in the same hands. The same persons may constitute the military, agricultural and artisan classes, and also the deliberative and judicial bodies. All classes, too, affect to possess the requisite virtue and consider themselves competent to fill nearly all the public offices. But it

is impossible that the same persons should be both poor and rich. Hence these two classes are more sharply divided than any, and are thought to be in a pre-eminent degree parts of the state. Thus the character of all existing polities is determined by the preponderance of rich or poor, and therefore it is the common opinion that states can all be classified as democracies or oligarchies.

Bk. VII., ch. ii.

Democracy. Characteristics.—It is the popular opinion that the essential principle of democracy is personal liberty—as though it were only under democracy that this could be enjoyed. One feature of liberty is the alternation of rule and subjection. Justice consists according to this view in absolute equality not according to the relative merit of the citizens, but according to an arithmetic average. Thus the will of the majority is final, and although the poor should not be rulers more than the rich, it follows that since they are always in the majority, the masses are supreme.

Bk. VI., ch. iv.

Bk. VII., ch. ii.

This is one token of liberty and a criterion of democratic government. Another is the right of every citizen to live as he pleases. Pushed to extreme this means exemption from obedience to all authority, but at any rate from obedience to authority, that the citizens do not themselves exercise in turn.

The following features are characteristic of popular government—

(1) Eligibility of all citizens for office, and appointment by all.

(2) The rule of all over each, and of each (in turn) over all.

(3) Appointment to offices of State by lot.

(4) Absence of property qualifications for office—or a very low one.

(5) No person to hold the same office twice, except in exceptional circumstances.

(6) Short tenure of office.

(7) Important cases tried by the general body of citizens or by a body chosen from it.

(8) Supreme authority of the general assembly over the most important questions.

(9) Payment of members of the assembly, the courts of law, and executive offices.

Birth, wealth, and culture being characteristics of oligarchy, their opposites—low birth, poverty, and intellectual degradation are the marks of democracy.

Kinds of Democracy.—

(1) Eligibility to the offices of state being dependent upon a very low property qualification. Bk. VI., ch. iv.

(2) All eligible for office to whom no objection can be raised on the score of birth, but the law is supreme.

(3) All citizens are eligible for office, but the law is supreme.

(4) All eligible for office as in (3), but popular decrees rather than the law are supreme.

The first is the best form of democracy and is specially suited to an agricultural or pastoral population. For the latter being obliged to attend to its work, only hold such meetings of the assembly as are indispensable, and thus the law is supreme. The people are content with the control of elections to offices and with the responsibility to them of the elected officers. If there is a low property qualifica- Bk. VI., ch. vi. and Bk. VII., ch. iv

tion for office and the officers are chosen by voting rather than by lot, then the most competent men will be chosen and the upper classes will not feel that they are ruled by their inferiors. The officers also will be held in check by their responsibility to the commons.

This is the best form of democracy, and owes its excellence to the character of its population. Agriculture as a universal pursuit, therefore, should be encouraged in the state by laws limiting the size of holdings and forbidding their alienation.

Bk. VII., ch. iv. The remaining forms of democracy are those in which the population consists mainly of tradesmen, mechanics and labourers. These pursuits have no necessary connection with virtue, and the population is a great deal lower than in the first form. Moreover an urban population of this kind is always loitering about the market and is only too ready to attend meetings of the assembly.

Bk. VI., ch. vi. Still even among such a population the law may be supreme, and the state saved from the fourth and worst form of democracy, because although theoretically all citizens are eligible for office to whom no objection can be raised on the score of birth, or even all citizens without exception, nevertheless the majority are unable to take office, owing to want of means.

The fourth form is the one that chronologically develops last in states. It results from a great increase in the size and wealth of states, whereby the masses have both the means and the leisure to take part in politics and thereby become supreme

Bk. VI., ch. iv. and over-ride the laws. It is the demagogues who are to blame for this state of things, for in a demo-

cratic state regulated by law, no demagogue ever makes his appearance and the best citizens enjoy the posts of honour. It is where the laws are not supreme that demagogues appear. The masses assume monarchical and despotic power. They become a "multitude of lords," which, said Homer, "is no blessing." They are analogous to tyrants, and like tyrants they give a ready ear to sycophants. The latter are the demagogues who always refer everything to the assembly, because their importance and influence is thereby increased. Thus the commons learn to over-ride the laws by popular decree.

Moreover all who have any complaint to make against the officers argue that judicial power should be vested in the commons. The latter lend a ready ear to all indictments, and the result is that the authority of all the officers of state is seriously impaired.

This kind of democracy should not properly be regarded as a constitutional government at all, as the latter is impossible without the supremacy of the law.

It is the custom of demagogues to make the number of citizens as large as possible, conferring political rights upon bastards and others who are ineligible, so that the masses may preponderate over the upper and middle classes, and to connive at a life of uncontrolled liberty among the citizens. For the masses prefer a life of irregularity to one of continence and control. Bk. VII., ch. iv.

Rules for the Preservation of Democracies.—The great danger to the continued existence of a democracy lies in the unjust spoliation of the wealthy classes, to which the masses are urged by Bk. VII. ch. v.

demagogues, and the consequent hostility of the wealthy classes. Therefore in the interests of the democracy itself—

(1) All fines imposed in the law courts should be consecrated to the service of the gods, and should not be paid into the general treasury of the state, and

(2) There should be heavy penalties incurred by the originators of wanton and baseless prosecutions.

The effect of these measures will be that people will be less ready to engage in wanton prosecution of the rich, and the mob less eager to condemn them, since they will gain nothing out of their verdict of condemnation, while there will be no relaxation of the law in the case of real criminals. Again—

(3) When the revenues of the state are small, and people are paid for their attendance at the general assembly or the courts of law, the latter should sit as seldom as possible. For the means of payment are sure to be supplied by extraordinary taxes, confiscation of property, and judicial inequity, causes which before now have proved the ruin of many democracies.

(4) It should be the object of the state to alleviate the poverty of the masses. If there are surplus revenues, these should be distributed among the poor—not in doles, for that only encourages them to clamour for more—but in sufficient amount to enable them to buy some land or to start some pursuit. If the surplus is not large enough to go round in this way, there should be a distribution among the poor by rotation of tribes. The rich also should assist the poor to become self-supporting in the same way.

Oligarchy. Kinds.—

(1) A property qualification is necessary for eligibility to office, but it is only just high enough to exclude the majority of the population. Bk. VI., ch. v.

(2) A high property qualification combined with a system of co-opting to fill vacancies by the officers themselves.

(3) The offices of state are hereditary.

(4) The offices are hereditary, and the supreme authority rests with the executive and not with the law. This is the counterpart of tyranny on the one hand and extreme democracy on the other.

The first form is the best and approximates to the polity properly so-called. The governing class is comparatively large, since any one who acquires the necessary amount of property has full political rights; and being occupied with its own affairs, it is content that the law should be supreme. In the second form, the increase in the property qualification and the consequent decrease in the numbers of the governing class, leads the latter to aspire to greater power. They cannot over-ride the law, but they endeavour to mould it to suit their polity, and they co-opt their fellow-officers. A still further increase in the property qualification leads to the third form in which the small governing class are enabled to make the offices hereditary. The accumulation of large property and a numerous retinue leads a dynasty of this kind to over-ride the law and to take the supreme authority upon itself. This is the worst form of oligarchy, and the one most likely to come to grief. Bk. VI., ch. vi. and Bk. VII., ch. vi.

Rules for the Preservation of Oligarchies.— Bk. VII., ch. vii.

The best safeguard for oligarchic government is good order in the state. Where the nature of the country is such that its defence is entrusted mainly to cavalry or heavy-armed troops, since only the rich can serve in these two arms of the service it is natural and suitable that an oligarchy should be established. But if the military force consists mainly of light-armed troops then the state will be democratic, for the masses serve as light-armed troops, and as such are dangerous to oligarchy. If, therefore, the latter are necessary to the defence of an oligarchic state, the oligarchs should see that their sons serve in the ranks.

It would be well, too, if oligarchs who hold the offices of the state should also bear the greater part of the public financial burden so that the masses may not begrudge them their authority. They should also enrich the city with architectural monuments and be prolific in public entertainments. Unfortunately oligarchs generally do not do this. They are eager for the spoils as well as the honours of office.

Bk. VI., chs. vii. and viii.

The Polity.—The polity may be described in general terms as a fusion between oligarchy and democracy, though when the constitution inclines more to the former, that is when in the election of offices regard is paid to wealth and virtue, or when it is considered that the wealthy classes are likely to be the most virtuous, then the state is often called an aristocracy. But strictly speaking, the term aristocracy should be confined to that form of the state in which the government is in the hands of the most virtuous citizens, according to the most strict and absolute definition of virtue.

The fusion between democracy and oligarchy which results in the polity may be attained in one of three ways— Bk. VI., ch. ix.

(1) By the adoption of the institutions found in each.
(2) By taking a mean between the systems of each.
(3) By adopting parts of both systems.

The criterion of a good fusion is the possibility of calling the resultant polity either a democracy or an oligarchy, for in the mean the two extremes should be discernible. The nearer a polity is to the ideal already described, the better it will be, and the further it is from it, the worse it will be. But a good average polity (The Polity) suitable for the majority of states that have not the external advantages necessary to the ideal state, nor the necessary standard of virtue generally diffused amongst its citizens, will be attained, if the middle class is large and powerful enough to control the administration. For the middle class will not be given to those crimes which arise from the insolence of the over-wealthy, and from the roguery of the poverty-stricken. If either of these two classes are supreme, the polity of the state will fall into the extreme forms of oligarchy or democracy respectively. It is an unfortunate fact that the majority of Greek states have fallen into one of these two extremes, simply because the middle class is generally small in them and unable to curb the excesses of the extremists. Bk. VI., ch. xi.

Rules for the Preservation of the Polity.— Ch. xii.
The actual polity to be found in any particular state will of course depend upon the element which

preponderates in it. Thus if the quantitative element of mere numbers preponderates over the qualitative elements of wealth, culture and nobility, democracy will result; if vice versa, oligarchy. And the kind of democracy and oligarchy will again depend upon the character of the citizens. But a good sound permanent polity will only result if
Ch. xiii. the middle classes preponderate. To preserve the spirit of an oligarchy, the rich are heavily fined for neglecting their duties with regard to the public assembly, the offices of state, the courts of law, the possession of arms, and gymnastic exercises, while the poor are allowed to evade these duties without penalty. In a democracy, on the other hand, the poor are paid to perform these duties, while the rich are not penalised if they neglect them. In the polity, therefore, both artifices should be adopted, *i. e.* the poor should be paid, and the rich fined.

The Polity should be exclusively in the hands of those who can serve as heavy-armed infantry, and the property qualification should be as high as possible, provided that those who enjoy political power are more numerous than those who do not.

Ch. xiv. **The Internal Administration of the State.**—This may be considered under the headings of the

1. Deliberative body.
2. Executive.
3. Judiciary.

The Deliberative Body.—This decides all questions of war and peace, the formation and dissolution of alliances, the enactment of laws, sentences of death, exile and confiscation; it elects all the

officers of state, and to it they are responsible at the expiry of their term of office.

In a democracy all the citizens deliberate upon all subjects according to four different methods—

(*a*) The citizens perform their deliberative functions by rotation of tribes, and assemble collectively only to enact laws, settle constitutional questions, and to receive the reports of the officers of state.

(*b*) The deliberative functions are delegated to officers chosen by suffrage or lot, except the election of officers of state, the enactment of laws, determination of war or peace, audit of officers' accounts, for which the citizens meet collectively.

(*c*) The deliberative functions are performed by officers specially elected for the purpose except as in (*b*).

(*d*) All matters are decided by all citizens collectively, the officers of the state merely making a preliminary examination. This is characteristic of the extreme form of democracy.

In an oligarchy the deliberative body is confined to certain citizens, and this body may have different forms corresponding to the various forms of oligarchy.

In the Polity the subjects of deliberation come in some cases before persons appointed by suffrage, and in others before persons appointed by lot, or before persons appointed partly by lot and partly by suffrage.

In the extreme form of democracy it is advisable to take steps so that the capable statesmen may not be swamped by the numerical strength of the masses, by giving the fee for attendance only to some; and similarly in an oligarchy, the masses

should be given representatives on the deliberative assembly, or all the citizens should be permitted to consider matters that are prepared for them by a preliminary board of councillors.

Ch. xv. **The Executive.**—All public offices are not necessarily offices of state. The latter are essentially those to which the functions of deliberation, decision, and command, are assigned and more especially command. In large states these offices are kept separate, but in small, it may be necessary to combine several in the hands of one officer.

The character of the persons who are eligible to hold office differs according to the nature of the state, but more than this, some offices belong essentially to one particular kind of state. Thus whereas a council is a democratic body, a preliminary council is of a non-democratic and oligarchic nature.

The authority of a council is gradually undermined by the general assembly in a democratic state.

A censorship of women and children is of an aristocratic nature, for it is impossible to control the wives of the poor in a democratic state, and the wives of the oligarchs lead luxurious and unrestricted lives.

Officers may be appointed either by suffrage or by lot, by all the citizens or by some only. And again all citizens may be eligible for office, or some only. If all the citizens are eligible, and all take part in the appointment, whether by lot or by suffrage, the system is democratic. If the appointment lie in the hands of a limited number of citizens, although all are eligible for office, the system is suited to the Polity. If all the citizens are not eligible for all the offices, this will have an aristocratic bias. If the appointment be by a limited number from among

a limited number, the system will be oligarchic. If the appointment be by suffrage only, and if either the votes or the class of candidates is limited, the system is aristocratic.

The Judiciary.—The courts of law are— Ch. xvi.

(*a*) Court of Scrutiny.
(*b*) Court to try offences against the state.
(*c*) Court for constitutional cases.
(*d*) Court for cases arising between officers of state and individuals in regard to fines.
(*e*) Court for trying important cases of private contract.
(*f*) Court of homicide.
(*g*) Court for aliens.
(*h*) Court for the trial of petty contracts.

A system of universal eligibility for the courts and universal jurisdiction is democratic; of limited eligibility and universal jurisdiction oligarchic; a combination of universal and limited eligibility is characteristic of an aristocracy or a Polity.

The most noteworthy point in Aristotle's treatment of oligarchies and democracies is its extraordinary applicability—*mutatis mutandis*—to the states of the modern world. The evils of the extreme forms of either kind of state can be illustrated from modern history, while the treatment of democracy especially may be brought to the touch-stone of states now actually in existence. To give one example—the only modern democratic state which has worked at all harmoniously and uncorruptly, with the executive government free from and above the factions of party warfare, is Switzerland. In

this country ministers keep their offices, if worthy of them, irrespective of the particular party in power in the legislature, and respected ministers are nearly always re-elected to office when their tenure ends.

Now Switzerland is a small and not too wealthy country, with an essentially middle-class population of a mainly agricultural and pastoral character—a country, in fact, just suited to the best form of democracy according to Aristotle, where the "people are content with the control of elections to offices and with the responsibility to them of the elected officers," and are not "always loitering about the market."

Two further points should be noticed in these books: (1) Aristotle's conclusion that failing the ideal, the Polity—a mild form of democracy—is the best workable constitution for most states, and (2) his insistence throughout upon the necessity of the rule of the Law, if a state is to have a just and stable constitution of any kind.

The distinction between public offices that are offices of state, and those that are not, is the distinction between administrative and executive offices—between those that issue commands and those that carry them out. Theoretically it is the distinction between the offices that are held by the members of an English government—the holders of which resign when the government falls—and those that are held by the permanent under-secretaries. But, as is well known, whether this distinction corresponds to actual fact depends upon the personalities of the incumbents of the respective offices.

Aristotle's list of the courts of law indicates a distinction between public and private law, a system of *droit administratif*, wherein the official is amenable to different law to the private individual, and is responsible to special courts, such as is unknown in England but is common on the Continent.

Book VIII

Political Revolutions

Object of the Book.—To consider the nature, number and character of the circumstances which produce political revolutions, the agencies destructive of the several polities, the general sequence of polities in a revolutionary age, and lastly the preservatives of polities both generally and individually. Ch. i.

Causes of Sedition.—Democrats believing that people equal in any respect are equal in all, and oligarchs believing that people superior in one respect are superior in all, if they do not get a share of political influence consistent with these respective ideas of justice, become the authors of sedition. Thus it is inequality that is everywhere the cause of sedition. The people who would have the greatest justification for seditious conduct, *i.e.* those of pre-eminent virtue, are never guilty of it. Chs. i and ii.

The most Stable Form of Polity.—Oligarchy and democracy are the only common forms of polity, because nobility and virtue, the bases of aristocracy, are the attributes of few, compared with the characteristics of these two polities. And since each of these is founded upon an initial or primary error, neither can be of permanent endurance and hence revolutions arise. But democracy

is more stable than oligarchy, and the Polity based upon the supremacy of the middle classes is more stable than either of them.

Forms of Revolution.—A revolution may have as its object—

(1) The establishment of a new and different form of polity.
(2) The control by the revolutionaries of the existing polity.
(3) The emphasising or mitigating of the form of the existing polity.
(4) An innovation in the existing form.

Chs. ii.–iv. **Predisposing Causes of Revolution.**—

(1) The desire of gain or honour, or the exasperation caused by seeing others enjoying gain or honour to which one cannot attain or only to a lesser degree.

(2) The insolence or avarice of those in an official position.

(3) The predominant influence of persons whose strength and position is greater than is consistent with the established government of the state.

(4) Fear of punishment on the part of criminals, or the fear of those who expect to be the victims of attack.

(5) A feeling of contempt for the governing classes, when other classes feel stronger.

(6) A disproportionate increase in the numbers of one class in the state.

(7) Party spirit may induce revolutionary change, although there may be no actual sedition.

(8) Insignificant change may also bring about an alteration that amounts to revolution.

(9) Diversity of race among citizens that have not been welded together into one is a fruitful cause of sedition.

(10) If the locality of the state does not make a geographical unit with community of interests in all parts, the disputes between citizens of different localities may lead to sedition.

(11) Trivial personal quarrels between men who are powerful in the state.

(12) The accession to high repute of some particular office or class in the state.

(13) The antagonistic classes in the state—the rich and the commons being evenly balanced, with no strong middle class to hold them in check.

(14) Polities are also liable to dissolution by the force of external states having antagonistic polities.

In general it may be said that the revolutions having the most serious consequences arise from the most trivial occasions. All feuds among powerful people, therefore, should be sternly repressed at their very commencement. Revolution may be carried through either by force or by fraud or by both.

Revolutions in Democracies.—The main cause of revolutions in democracies is the intemperate conduct of the demagogues, who force the propertied class to combine partly by instituting malicious prosecutions against individuals, and partly by inciting the masses against them in a body. The demagogues drive the nobles to combine sometimes by direct oppression in the hope of currying favour with the people, and at other times by vexatious prosecutions. A revolution arising from such a cause would result in an oligarchy. Ch. v.

In the old days, the demagogues being often skilful generals, seized the reins of power and revolutionised the state into a tyranny.

In modern times, where the offices of state are elective, candidates in their eagerness to curry favour, invest the commons with an authority superior even to the law. Thus a moderate is changed to an extreme form of democracy.

Ch. vi. **Revolutions in Oligarchies.**—The causes of revolutions in oligarchies are—

(1) Oppression by the oligarchs of the masses—for any champion of the people is good enough at such a time.

(2) Sedition arising among the oligarchs themselves. This may arise from a variety of causes. But where harmony prevails among the oligarchs an oligarchy is not easily destroyed.

(3) In time of war or disorder the employment of mercenary troops under a powerful commander may lead to a tyranny; or on the other hand, the masses may be admitted to full political privileges since their military assistance cannot be dispensed with.

(4) Accidental circumstances or gradual change may lead to a broadening of the basis of political privilege.

Ch. vii. **Revolutions in Aristocracies.**—Revolutions in aristocracies occur because of the limitation in the number of persons admitted to the honours of the state, especially when some person or persons are excluded who are the equal in virtue of those in power.

But most so-called aristocracies, like Polities,

are a fusion of the principles of oligarchy and democracy, and the main cause of dissolution of both aristocracies and Polities is a deviation from the proper principles of justice in the constitution of the polity itself, *i.e.* an unsuccessful fusion. Polities, however, are generally more stable than aristocracies because a numerical majority has power.

It is emphasised again that revolutionary change may be brought about in all polities—in aristocracies as well as in others—by gradual and insignificant innovations.

Preservatives of Polities.—In polities wherein a successful fusion of various elements has been achieved we must be on our guard against the beginnings of revolution brought about by petty acts of illegality, and also against political artifices for imposing on the masses, for these are proved to be failures by experience. In aristocracies it is desirable to have a short tenure of office so that all the nobles may share in the government. A careful watch should be kept on the rivalries and feuds of the upper classes. No individual should be given excessive and disproportionate authority. Ch. viii.

But the chief requisite in any polity is that the system of the laws and the general administration should be so ordered as to afford the officers of state no opportunity of personal gain.

Other Preservatives.— Ch. ix.

(*a*) The officers of state should have the following three qualifications—

(1) Loyalty to the established polity.
(2) The greatest capacity for the duties of their office.

(3) The virtue and justice appropriate to the polity whatever it may be.

(*b*) The part of the population which is favourable to the polity should be stronger than the part which is not.

(*c*) The policy of following the proper mean. The avoidance of measures likely to convert the polity into one of an extreme kind, whether oligarchy or democracy.

(*d*) The greatest safeguard of all is the education of the citizens in the spirit of the polity, so that their actions will facilitate the working of the administration. Generally it is not so. In oligarchies the sons of the ruling classes live in luxury, while the sons of the poor are subjected to a severe and laborious discipline. While in democracies, justice and equality are considered to consist in the supremacy of the will of the masses, and liberty in the right of every citizen to act as he pleases. This is a serious mistake, for a life according to the spirit of the polity is not one of bondage but rather a means of preservation.

Ch. x. **Monarchy. Its Destructives and Preservatives.**—Kingship being based upon merit corresponds to aristocracy. Tyranny is subject to all the worst evils of both oligarchy and democracy. Kings are chosen from the upper classes by reason of pre-eminent superiority in virtue, and eligibility. Tyrants are generally taken from the masses, being often successful demagogues who have won the popu-

lar ear by their abuse of the upper classes. Kings are to protect the propertied class from spoliation and the masses from insolence. Tyrants regard only their own interests and care nothing for the public weal. King's body-guards are composed of citizens—tyrants' of mercenaries. Tyranny is like oligarchy in its absolute distrust of the masses, and like democracy in its hostility to the upper classes.

Injustice, fear, contempt, and envy are the common causes of revolutions in monarchies. Injustice takes the form either of insolence or the spoliation of private property, and leads to hatred.

Insurrection may take the form of an attack either on the person or the authority of the ruler.

Kingship generally falls because the kings endeavour to extend their power unconstitutionally and thus become tyrants. But in Aristotle's time kingships were no longer created. If monarchical governments were created at all, they were generally tyrannies, for kingship implies voluntary obedience to an individual of super-eminent merit, whereas the monarchical governments of his time were founded on force or fraud.

The agencies destructive of the extreme forms of democracy or oligarchy are equally destructive of tyranny, for oligarchies and democracies are simply tyrannies in which there are a number of tyrants.

Preservatives of Monarchy.—Moderation in the exercise of power is the chief preservative of kingship. There are two opposite modes of preserving tyranny— Ch. xi.

(1) The common and traditional mode. Removing prominent characters, prohibiting clubs, creating

mutual distrust among citizens, establishing a spy system, heavy taxation, keeping the people in a state of poverty and continually at work, continual war.

Tyrants distrust their friends, encourage the influence of women and the license of slaves, as in extreme democracies. Thus sycophants flourish under both forms of government—the demagogue cringing to the commons as the courtier does to the tyrant.

In short there are three objects of the tyrant—

(*a*) To keep the people mean-spirited.
(*b*) To foster mutual distrust among them.
(*c*) To produce in them an incapacity for affairs.

(2) The second mode offers an exact contrast to the first, viz. the tyrant makes his authority approximate in character to that of true kingship, saving only that he is prepared to keep it with or without the good-will of his subjects. Thus he will be economical in the management of public funds, dignified in address rather than stern, courteous to all and not insolent, sober and moderate in life, zealous in religion but not superstitious, willing to honour eminent citizens, leaving punishment to subordinate officers. Furthermore both rich and poor must see in the rule of the tyrant their own security.

If the tyrant has not the virtues mentioned above, he should try to appear to have them. Then at any rate if he is not wholly noble and virtuous, he will only be half-bad.

Ch. xii. Tyrannies, however, are the shortest in duration of all polities.

Statement of the Theory of Revolutions given in Plato's *Republic*.—Nothing is permanent. Polities change in a certain cycle according to certain arithmetical calculations.

The best polity is revolutionised into the Lacedæmonian, that into oligarchy, that into democracy and that into tyranny.

Criticisms of the Theory.—

(1) Why should the best polity be revolutionised into the Lacedæmonian? As often as not polities are revolutionised into their opposites.

(2) Revolutions sometimes take place in the reverse order to that given, *e. g.* democracy to oligarchy rather than to monarchy.

(3) Is tyranny liable to revolution or not? If not, why not? If so, into what? The theory requires the revolution to be into the best polity to complete the cycle. But tyranny has been revolutionised into another tyranny or into democracy, oligarchy or aristocracy.

(4) Only one cause of revolutions is given, viz. the avarice of the ruling class and the consequent reduction of the citizens to poverty. But there are many other causes, as has been shown. And indeed the ruling class may not be wealthy at all, and it may be this very fact that leads the real wealthy classes to consider that their lack of political power is an injustice.

(5) Although there are various forms of oligarchy and democracy, Socrates in describing revolutions, speaks as though there were but one.

Chronological succession of Governments. Bk. III. ch. xv.
—History shows that in primitive times kingship was

the rule, probably because persons of pre-eminent virtue were rare. As the number of these increased, constitutional governments were established. With the growth of wealth, and of the degenerate habit of treating polities as a source of pecuniary gain, oligarchies became the rule. But the miserable avarice of the oligarchs caused the commons to rise in revolt, and first tyrannies were established and then democracies. And now that states have grown to such a large size, it is not easy to establish any other form of polity than democracy.

The treatment of political revolutions in Book VIII is throughout essentially historical and inductive. Historical instances are given of all the possible causes of sedition and revolution, and here again it is possible to parallel these instances by examples drawn from modern history. Thus the recent separation of Norway and Sweden, the earlier separation of Belgium from Holland, the difficulties of Austria-Hungary, the chaos in the Balkan Peninsula, and the Home-rule movement in Ireland have all arisen from "diversity of race among citizens that have not been welded together into one." The civil war in the United States of America arose because the state did not "make a geographical unit with a community of interests in all parts." No better example of the revolutionary change that may be brought about by "gradual and insignificant innovations" is provided than by England, which from the time of the Tudors has changed successively and almost imperceptibly through the stages of absolute monarchy, constitutional monarchy, aristocracy or oligarchy to democracy. To-day

the same gradual change is going on from a moderate to an extreme form of democracy.

The statement of the chronological succession of governments given in Book III does not establish a theory of a cycle of revolutions, and probably was not meant to do so, for the criticisms levelled against the theory given in Plato's *Republic* would be equally destructive of it. Rather it was Aristotle's view of the early history of the states of Greece, and was not meant to be a prophecy of the future. Modern history supports Aristotle's contention that revolutions are of such diverse kinds and arise from such different causes that it would be difficult to establish the theory of a cycle. Nevertheless one point of similarity may be noticed. Attempts to establish a democracy according to some ideal plan by revolution, upon the ruins of an oppressive monarchy or oligarchy, have generally failed by reason of the intemperateness or factiousness of the democrats. The monarchy or oligarchy may be overthrown, but the democracy that succeeds it is short-lived and gives place to tyranny. Such was the history of the great Rebellion in England, and of the French Revolution. The history of Germany in the nineteenth century and the attempted revolutionary changes that culminated in the rule of Bismarck provides a similar example, and if the inner history of the more recent revolutions in Turkey and China be properly appreciated they will be found to provide instances of the same kind. In the case of England and of France the tyranny was not longer than one life, nor is it likely to be permanent in any case, but it would be difficult to proceed further with the theory of a cycle. After

the death of Cromwell and Napoleon respectively, England and France each returned to a modified form of the *ancien régime*, which was afterwards revolutionised partly by revolt and partly by gradual change.

CHAPTER III

THE GREAT ERROR IN POLITICAL PHILOSOPHY: HOBBES, LOCKE, AND ROUSSEAU

Nature of the Error.—The great error in political philosophy has been the confusion between the historical enquiry into the origin of the state among civilised peoples, and the philosophical enquiry into the moral basis upon which the state rests and the consequent justification for its existence. The error was born in the later Middle Ages, received wide publicity by reason of the popularity of the "social contract" theory in the seventeenth and eighteenth centuries, and was not laid to rest till the middle of the nineteenth century.

Political Philosophy in the Middle Ages.— "The Middle Ages were as compared with the ages that preceded and the ages that followed essentially unpolitical," says Bryce in a well-known passage. This is true in the sense that neither in political theory nor practice was there any original constructive work. "Feudalism was the one great secular institution to which those times gave birth," and feudalism was the natural result of the insecurity of life and property in troubled times. Yet it has been pointed out that there is no critical analysis of feudalism to be found in any mediæval writer, and

Holy Roman Empire, ch. vii.

it would be possible to read most if not all of the political writers of the Middle Ages and gain no inkling of the fact that feudalism was not only universal throughout western Europe, but that it pervaded every phase of life and human relationship, social, legal, political, religious—even marital and parental. The Teutonic people that dominated western Europe during this period may be compared to children learning their lessons from their elders. Statecraft and government came to them from the classical ages through the Roman Empire—their teacher. They accepted the institutions of the latter with the reverence and implicit faith which children show to the information imparted to them by their parents. And just as children are naughty and disobedient without questioning the right of parents and teachers to rule over them, so in the Middle Ages the respect for authority was much more marked in the realm of thought than in actual practice. So the state and kingship are accepted as indisputable facts, and no philosophical examination into the basis of the one or the authority of the other is attempted. On the other hand, it would be a great mistake to think that there was no political writing during this period. Government was no easier task than it is now. Feudalism made it a practical impossibility for any monarch to exert his authority unchallenged, and looming over all the petty disputes of kings and barons was the great and overshadowing quarrel between Church and State which arose inevitably from the theory of the Holy Roman Empire, and the peculiar relations of the Empire and Papacy. Out of these disputes there arose a considerable body of political literature,

of which, however, the following three characteristics may be laid down—

(1) It is a polemical literature of party pamphlets, written generally on particular occasions to justify particular sides in a particular quarrel.

(2) Never is the rightfulness of existing political institutions questioned. Popes, emperors and kings exist. They are considered as part of the natural order of things. No philosophical examination is made into the basis or rightfulness of their authority. It is only the extent of that authority, their manner of exercising it, or their conduct on particular occasions that is disputed.

(3) So far as arguments are not merely unsupported expressions of opinion, they are based upon authoritative writings—the Bible, the works of the early Christian Fathers, and in later times of the legists and Aristotle.

This literature, therefore, is only interesting to the modern student of political philosophy in so far as it illustrates tendencies of thought or contains the germs of later political theories. Some examples may be given.

Manegold.—Manegold, a priest of Alsatia, is mentioned because in his letter written to Gebhard in defence of Pope Gregory VII we have one of the earliest mentions of a compact between king and people.

"Since no one can make himself emperor or king, the people exalt one man over them that he may govern and rule them justly. If he in any way break the compact by virtue of which he was exalted, the

people are freed from the duty of submission since he has first failed to keep faith."

"If a man were engaged for a fair wage to tend swine and he findeth means not to tend but to steal them, would he not be removed from his charge?"

This explicit mention of a pact is exceptional rather than typical. Nevertheless the whole tone of this literature tends to insist that kings have duties both to God and to people, that they are subjects not only to God's will but to the law of the land, and that if they disobey the one or the other, then the people may disobey them. This is brought out very strongly in our next example.

The Song of Lewes.—This was one of many political ballads that arose out of the quarrels of Henry III of England and the Barons. It is a party pamphlet written by a follower of Earl Simon, and sets forth the general position taken up by the baronial party. Particular grievances are enumerated, and then it is mentioned that God alone is truly king and that mortal kings are liable to error. They owe a duty to God, and if this is not performed their subjects are absolved from obedience. A true king must seek the good of his subjects and must rule them according to the law.

Thomas Aquinas (1225 or 1227–1274).—Thomas Aquinas, the most typical and at the same time the greatest of the scholastic teachers, is noteworthy as being the first of the writers on political philosophy to be influenced by the *Politics* of Aristotle. In the *De Regimine Principium* which was begun by him, he championed the Papacy in its quarrel with the Empire, but upheld absolute monarchy as the right and natural form of govern-

ment and the only means of keeping peace and preserving order. Some attempt is here made to reason teleologically, to set forth an aim of government, and to discuss the latter with reference to this aim.

Dante (1265–1321).—Dante was born at Florence at a time when Italy was not only divided into innumerable petty governments, but distracted by the interminable strife of Guelf and Ghibelline, the off-shoot of the war between Empire and Papacy. The Empire had been crushed into powerlessness by the Papacy, but Dante, himself a Ghibelline and an exile since 1302, lived to see the last spasmodic attempt made by the Emperor Henry VII in 1310 to reassert his authority over Italy, and once more to make the Empire a living force. The attempt ended in failure, and Dante's book, the *De Monarchia*, which represents the high hopes of those who, sick with disorder and anarchy, looked to the Emperor once more to restore peace and union to Italy, is "an epitaph instead of a prophecy."

Holy Roman Empire ch. xv.

The *De Monarchia* argues that monarchy is the only true form of government that can obtain for the people the objects of government—peace and prosperity. The argument is not merely for monarchy but for the absolute and universal monarchy of the Roman Empire, of which the mediæval Holy Roman Empire is the legatee and the descendant. The Holy Roman Empire is accepted at its face value and no question is made of the authenticity of its history or the rightfulness of its power. The institutions which the Middle Ages had received from classical antiquity are still regarded as natural and permanent, and in a time of disintegration and

change Dante still looks to the past instead of to the future.

Dante, like Hobbes in later days, living in the midst of anarchy and confusion, yearned for strong government. In the standing conflict between the necessity of leaving to governments ample powers to carry out their functions—whatever these may be—and the desire of the individual for unrestricted liberty, there is a continual ebb and flow in public opinion and in the writings of political philosophers as well as in the powers that are given to governments. Thus in times of peace and prosperity men prate of the tyranny of government and of the rights of the subject, and often weaken government so much by the restrictions that are placed upon the exercise of its powers that it is unable to carry out its functions. This is called constitutional progress. There was such a time in England in the fourteenth and early fifteenth centuries—in the days of the Lancastrian kings especially. But then, "constitutional progress outruns administrative order," government being weak, and falls into contempt. Disorders arise. Anarchy reigns. Then popular opinion turns with acclamation in favour of any government —however strong—that will once more restore the good old times of peace and prosperity. This was the secret of the popularity of Edward IV and of the Tudor despotism in England. Similarly both Dante and Hobbes lived in times of turmoil and of civil war. Both believed that a strong and powerful government was necessary to heal the wounds in the body politic of their respective countries. Hence both the *De Monarchia* and the *Leviathan* advocate absolute monarchy.

Marsilius of Padua (1270–1342).—Marsilius of Padua with John of Jardun wrote the *Defensor Pacis*, a contribution to the literature of the conflict between Empire and Papacy, and a contribution with a purpose and a result, for it was these two "uncompromising theorists," as Bryce calls them, who heartened the Emperor Louis IV to carry on his struggle with successive popes. While an upholder of imperial as against papal authority, and of the subordination of the Church to the State, Marsilius is fundamentally a democrat in the government of both Church and State. The Pope is no more than the first amongst equals (the bishops). His authority is subordinate to that of a General Council, which should consist of laymen as well as clergy. Similarly the ultimate source of the authority of all temporal rulers, even of the Emperor, is to be found in the people by whom he should be elected and by whom he may be deposed.

It has been given to few writers on political philosophy to see their theories put into practice or to feel that their writings have had any material effect upon political history. But so it was with Marsilius, who accompanied Louis IV to Rome in 1327, watched him elected Emperor by the Romans, and saw a pope deposed and another appointed by the Romans and the Emperor. But obviously the doctrine of the *Defensor Pacis* was two-edged, and when it had served its purpose, Louis abandoned it.

The Renaissance.—In the fifteenth century there occurred the Renaissance, the great awakening, the culmination of three centuries during

which people were learning to think and to read for themselves. If, in the Middle Ages, the nations of Europe are compared to children, the period of the Renaissance may be regarded as the age of adolescence, when youths are beset with doubts as to many of the facts which they have hitherto accepted as fundamental truths. A great wave of unrest in the spheres both of religion and politics swept over Europe. Men refused to accept the doctrines of Christianity as interpreted by the Roman Catholic Church. The authority of the Church was questioned and the Reformation plunged Europe into the throes of religious doubt, speculation and war. Similarly men began to think about the states in which they lived, and the governments by which they were ruled. These thoughts, as in the case of religion, were something more than academic. They took the practical form of protesting against the acts of the governments that were considered illegal or oppressive. From this it was but a short step to questioning the whole authority and power of governments, and that, too, in the severely practical form of rebellion and revolution. Political philosophy thus became a subject of intense practical interest. Men sought to justify either existing governments and institutions, or rebellions against these, and they looked to the students of politics to supply them with their arguments.

The writers who are taken as examples to be mentioned here are those who may be thought to have influenced especially the later writers on the Social Contract.

Niccolo Machiavelli (1469–1527).—Machia-

velli, as a civil servant at Florence, had a practical knowledge of administration. Furthermore, being sent as envoy to Cesare Borgia in 1502, he watched and conceived an admiration for the methods of one of the most capable—if most unscrupulous—rulers of the time. On the return of the Medici to power in Florence in 1512, Machiavelli was exiled and *Il Principe* was written in 1513. The name of Machiavelli has long stood for all that is dishonest and unscrupulous in government, but the more modern and rational view of his work is not one of wholesale condemnation. *The Prince* is essentially a practical book and its method scientific. The condition of Italy had not improved since Dante's day. Its miseries were patent, and like Dante, Machiavelli believed, not without reason, that anarchy could only be banished and peace and prosperity restored by a strong monarchical government. His aims were high. "Our country, left almost without life, still waits to know who it is that is to heal her bruises, to put an end to the devastation and plunder of Lombardy, to the exactions and imposts of Naples and Tuscany, and to staunch those wounds of hers which long neglect has changed into running sores." But, unlike Dante, Machiavelli does not look to the past. The Holy Roman Empire has no glamour for him, and strong monarchical government is advocated purely on its merits as a means for the attainment of these aims. Like Hobbes, he believed that if they are difficult of attainment it is because of the waywardness, selfishness and unscrupulousness of those who obstruct good government. These people must

The Prince, ch. XXVI.

be fought with their own weapons, and if this means that government must use methods that are arbitrary or not straightforward, there must be no hesitation in doing this. The end justifies the means. "We," says Pollock, "who have seen German unity accomplished (allowing for differences of civilisation and manners) in almost exactly the same fashion that Machiavelli conceived for Italy, can at any rate not suppose that his idea was chimerical."

Hubert Languet (1518–1581).—Machiavelli's work called forth an answer from Hubert Languet, who is generally believed to have been the author of the *Vindiciæ contra Tyrannos*, a treatise on the rights and duties of princes to people and of people to princes, and the first full and definite exposition of a theory of a compact between the two. Kings, it is said, owe a duty to God and to their people. The latter may resist them if they fail in either the one or the other. There is, in fact, a mutual obligation either implied or stated in a definite contract which is broken by the king if he rules tyrannically, and by the people if they are seditious. It is not, however, for individuals to resist tyrants, but magistrates, diets or assemblies may do so justifiably.

This is the theory worked out by Locke and Rousseau.

Jean Bodin (1530–1596).—Bodin was a French lawyer and a practical administrator, with a keen interest in finance and politics. He wrote in 1576 the *Six Books of the Republic*, having as an appendix the *Apology of René Herpin*. In the writing of this book he used Aristotle with discretion. He

approved of absolute government tempered by constitutional laws. He laid emphasis on the fact that in every state there must be some supreme authority to lay down and to administer the laws, which must be above the law though not above the dictates of morality. This is the kernel of Hobbes's theory, and Bodin was the first to give a clear statement of it. He does not, however, push it to extremes. There may be fundamental laws in a state, *e. g.* about the family, private property, the succession to the crown (the Salic law), which a sovereign cannot alter.

Richard Hooker (1554–1600).—The "judicious Hooker" is the one writer above all others to whom Locke shows greatest reverence. Although in the *Ecclesiastical Polity* political questions are treated only incidentally, a definite statement is given of the theory of the Social Contract—the first in English. Following Aristotle, Hooker maintains that, because of the social nature of mankind, life is intolerable except in the state. This is formed by men "growing into composition and agreement among themselves by ordering some kind of government, and yielding themselves subjects thereunto." Nevertheless the making of laws properly belongs by natural law to the whole community. "Such things, therefore, must be thought upon beforehand that power may be limited ere it be granted." On the other hand, Hooker recognises the right of kings who have won their dominion by conquest and, in fact, a kind of divine right of all kings whatsoever.

The Theories of the Social Contract and Divine Right.—We have seen how the interest

in the practical questions of government at the time of the Renaissance led to the revival of the enquiry into the true nature of the state and the real basis of political obligation. We have also seen that the institutions bequeathed to the Middle Ages by the Roman Empire no longer received that unquestioning reverence which had been characteristic of the earlier studies in political philosophy. Nevertheless it was still regarded that the circumstances of the foundation of the state would provide an argument for its philosophical justification. Hence there arose the confusion between these two enquiries—the one historical and the other philosophical—and a false reading of history to suit the needs of philosophy.

The decay of feudalism had bequeathed to Europe in the sixteenth century absolute monarchy as a general form of government, and political philosophy was required to prove either that rebellion against reigning monarchs was wrong or that under certain circumstances it could be justified. Hence arose the two theories with which we have now to deal, that of Divine Right and that of the Social Contract. These theories were described by many writers in different countries and in different ways, but to English readers three writers on the Social Contract are pre-eminent, viz. Hobbes, Locke and Rousseau; while Filmer may be regarded as typical of the writers on Divine Right.

Thomas Hobbes (1588–1679)

Hobbes lived right through the constitutional quarrels which brought about the great rebellion against the Stuarts, and being of a studious, orderly,

peace-loving and somewhat timid disposition, the civil war and the anarchical state of the country was extremely uncongenial to him, so much so that he left England and lived for some twenty years on the Continent, chiefly in France, where the ordered and prosperous state of the country, which was the fruit of Richelieu's autocratic rule, appealed to him. He thus had the opportunity of studying many forms of government and much statecraft, and of conversing with the chief students and philosophers of the time. As we have seen, he did not invent the theory of the Social Contract, and he was not even the first Englishman to refer to it. But he applied the theory to the troubled condition of England, and thus gave it a new form and great practical importance. In Hobbes's view, England during the civil war had relapsed into a state of barbarism, where there is neither peace nor security, but every man's hand is against his neighbour's. This condition of affairs had arisen because of disobedience and resistance to established government, and the only way to escape from it was by the establishment of another strong and settled government. He set out to prove, therefore, the necessity of strong government and the unlawfulness of resistance to it. This is the great and remarkable difference between Hobbes and other writers upon the Social Contract. They used the theory to justify rebellion against monarchy. He turned it into a justification of despotic government of any kind, monarchical, aristocratic or democratic.

The main points of his theory are given in a small book called the *Elements of Law, Moral and*

Political, circulated in 1640. A fuller account is given in the *De Cive*, a Latin treatise published in 1642. But the most complete exposition is to be found in the *Leviathan*, written in English and published in 1651. The *Behemoth*, written in 1668, is a confirmation of his theory by reference to the causes of the Great Rebellion.

The *Leviathan*

Purpose and Scope.—The purpose and analysis of the *Leviathan* is given in the introduction.

"For by art is created that great Leviathan called a Commonwealth, or State (in Latine Civitas), which is but an Artificiall Man; though of greater stature and strength than the Naturall, for whose protection and defence it was intended.

"To describe the Nature of this Artificiall man, I will consider—

"First, the Matter thereof, and the Artificer; both which is Man.

"Secondly, How and by what Covenants it is made; what are the Rights and just Power or Authority of a Soveraigne; and what it is that preserveth and dissolveth it.

"Thirdly, what is a Christian Commonwealth.

"Lastly, what is the Kingdom of Darkness."

Of these four parts the student of political philosophy is concerned mainly with the second. But the last four chapters of the first part contain an account of the natural condition of men when they "live without a common power to keep them all in awe," and are necessary to a proper understanding of Hobbes's theory of the state. The theory of the institution of government and of

the nature of sovereignty is practically contained in these four chapters and the first five chapters of the second part. The third and fourth parts have, as their object, the ruling-out of any claim on the part of the Church—of whatever denomination—to a share in the government of the state, and the indication of the evils to which this claim has given rise.

The State of Nature.—Hobbes drew a picture of the condition of mankind in the state of nature where no government has been established, as one of pure barbarism. Every one pursues what he conceives to be his own interests regardless of the interests of others, and there being no rule or power to keep them in order, men live in a state of perpetual conflict. Part I., ch. xiii.

"Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre.

"To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law; where no Law no Injustice. Force and Fraud, are in warre, the two Cardinall vertues."

In this state of nature, however, men have rights, and there is also a law of nature. Ch. xiv.

"The Right of Nature, which writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say of his own Life."

But the state of nature being one of continual war, it follows "that in such a condition, every man has a Right to everything; even to one another's body."

The law of nature which is taught him by man's own reason consists in a general rule that no man should do anything destructive of his own life, nor omit any precaution to preserve it.

Rights can be given up by contract or covenant with others to give up their rights, but no man may give up those rights whereby he would break the fundamental law of nature, *i. e.* every man has the right under all circumstances to resist to the utmost, death, injury or imprisonment.

Ch. xv. From the fundamental law of nature it is deduced that all men ought to endeavour peace and strive to accommodate themselves to the interests of others. In short they ought to follow the "Law of the Gospell; Whatever you require that others should do to you, that do ye to them." Thus Hobbes deduces most of the virtues from his fundamental law and argues that they depend ultimately upon motives of self-interest.

"The Lawes of Nature are Immutable and Eternall; for Injustice, Ingratitude, Arrogance, Pride, Iniquity, Acception of persons, and the rest, can never be made lawfull. For it can never be that Warre should preserve life, and peace destroy it."

Against the criticism that he was making a wrong use of the word "law," he guards himself by declaring that although generally called laws these are only the dictates of reason, "whereas Law, properly is the word of him, that by right hath

command over others." Nevertheless if we consider that these dictates of reason come ultimately from God, "then are they properly called Lawes."

Hobbes's picture of the state of nature differs, therefore, from others that have been painted, in that it is by no means one of arcadian bliss. It is, indeed, such a picture as Aristotle might have painted.

"In such condition there is no place for Industry, because the fruit thereof is uncertain; and consequently no Culture of the Earth, no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; and the life of man, solitary, poore, nasty, brutish and short." Ch. xiii.

The obvious criticism against this picture of the state of nature is that it is unhistorical, but this criticism is met as follows—

"It may peradventure be thought, there was never such a time nor condition of warre as this; and I believe it was never generally so, over all the world: but there are many places, where they live so now. For the savage people in many places of America, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all, and live at this day in that brutish manner, as I said before."

It is pointed out, moreover, that this is the condition of affairs to-day, if nations and not individuals be taken as the units. It can be understood, too,

"by the manner of life, which men that have formerly lived under a peacefull government, use to degenerate into, in a civill warre."

Part II., ch. xvii.

The Social Contract.—Men find "that miserable condition of Warre" intolerable and strive to get themselves out of it. This can only be done by covenanting one with another to give up all their individual rights to some person or body of persons who shall "keep them in awe, and direct their actions to the Common Benefit."

"The only way to erect such a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is to conferre all their power and strength upon one Man, or upon an assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will."

This person or body of persons is the sovereign.

"The attaining to this Soveraigne Power, is by two wayes. One, by Naturall force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by Warre subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves, to submit to some Man, or Assembly of men, voluntarily, on confidence to be protected by him against all others. This later, may be called a Politicall Commonwealth, or Commonwealth by *Institution*; and the former, a Commonwealth by *Acquisition*."

The former kind is established by those who afterwards become subjects, covenanting among themselves as follows—

"I authorise and give up my Right of governing my selfe, to this Man, or to this Assembly of Men, on this condition, that thou give up thy Right to him, and authorise all his Actions in like manner."

Observe that the contract is not one between ruler and ruled, but among the latter to surrender their individual rights to the former.

The Nature of Sovereignty.—It follows that the sovereign is absolute. To place any limitations on his authority would be to reserve for the subjects certain of the rights which they have agreed to surrender. The contract would have to be much more elaborate and intricate, and a complete escape from the state of war—for which purpose the commonwealth is formed—would not be attained. Resistance or disobedience to the sovereign is contrary to the terms of the original contract, and is therefore unlawful. Even if a man does not agree with the form of government instituted by the majority, he must acquiesce in it and obey it, or otherwise be left without the state—an outlaw; in which case he is in the previous condition of war, "Wherein he might without injustice be destroyed by any man whatsoever." Ch. xviii.

The sovereign is the supreme judge, law-giver, administrator, commander and fountain of honour, for the functions of these are necessary to the peace and defence of the subjects. These powers are incommunicable and indivisible. The sovereign cannot part with any of them without ceasing to be sovereign. Sovereign power cannot be divided.

The sovereign holds his powers for the benefit of his subjects, but if he abuses them, the subjects have no right or power to punish him. Rather the punishment should fall upon themselves, for "every Subject is Author of the actions of his Soveraigne." Similarly there can be no breach of covenant on the part of the sovereign, for he has entered into no covenant. However much subjects may grumble at their disabilities, these are "scarce sensible in respect of the miseries, and horrible calamities, that accompany a Civill Warre; or that dissolute condition of masterless men, without subjection to Lawes, and coërcive Power to tye their hands from rapine and revenge."

Ch. xix. **Kinds of Sovereignty.**—Although the sovereign has been referred to here as "he" or "him," Hobbes recognises that monarchy is not the only form of government. Of these there are three—monarchy, aristocracy and democracy—and no more: "for either One or More, or All must have the Soveraigne Power (which I have shown to be indivisible) entire." Other so-called forms, such as tyranny, oligarchy, anarchy, are merely the above forms "misliked." People can surrender their rights to any one of these forms of government that they choose, but when they have chosen, that man or that assembly of men is their sovereign and representative, and there can be no other—else there would be two sovereigns who would "reduce the multitude into the condition of Warre, contrary to the end for which all Sovereignty is instituted."

Thus it is absurd to think that if a monarch (or sovereign assembly) summons the deputies of the people to make known to him their petitions and to

advise him, that those deputies have sovereign or representative power.

It is true that besides these three forms of government there appear to be many others, *e. g.* elected monarchies and limited monarchies. But if carefully examined and analysed these forms can ultimately be reduced to the three already given. Thus in the case of a so-called limited monarchy, actual sovereignty lies in the hands of the assembly that has the right to limit the monarchy.

Of the three forms of government monarchy is preferable, because the private interest of the sovereign will be identical with the public interest; because a monarchy has much greater facility for taking advice and counsel than an assembly; because an assembly suffers from dissensions and difference of opinion; because, although a monarch may suffer from favourites and evil counsellors, and by listening to them commit injustice to individual subjects, this evil is liable to be much greater in the case of an assembly, for the latter may be "reduced by Orators, as a Monarch by Flatterers; and becoming one another's Flatterers, serve one another's Covetousness and Ambition by turns." Moreover the favourites of a monarch are few, but of an assembly many. And "Orators, that is to say, Favourites of Soveraigne Assemblies, though they have great power to hurt, have little to save."

The right to appoint to the succession is a sovereign right lying in the hands of the existing government, for if it be "left to a new choyce; then is the Commonwealth dissolved; and the Right is in him that can get it."

In a democracy there is no difficulty about the

succession. In an aristocracy the right to appoint to a succeeding assembly must lie in the existent one, though this right may be given to others. In a monarchy there is often a difficulty about the succession, which in general should go by testament, by custom, or by relationship.

Ch. xxi. **Liberty of the Subject.**—A subject may disobey his sovereign if he be commanded to kill, wound or accuse himself, or not to resist those that assault him, because the state was formed for the sake of self-preservation. There is liberty to refuse obedience when the end for which sovereignty was ordained is not frustrated; otherwise there is no liberty to refuse. Again a subject may sue his sovereign at law and claim sentence and justice in the courts according to law, *unless* the sovereign demand anything from the subject, not under the law, but by virtue of his sovereign power.[1]

The liberty of a subject consists generally in his freedom to do those things which are not forbidden by the law, and the clamour for any other kind of liberty is absurd, for if it be for liberty in the sense of bodily freedom from chains and imprisonment, that is already possessed, and if it be for exemption from government, "it is no lesse absurd, for men to demand as they doe, that Liberty, by which all other men may be masters of their lives."

It is important to note, however, that "the Obligation of Subjects to the Soveraign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them."

"The end of Obedience is Protection." There-

[1] Cf. the Tudor theory of prerogative and the maxim "Salus populi suprema lex."

fore if a subject be banished from the state by the sovereign, or if the latter relinquish his sovereignty, or if he be subdued in war, then the subject is absolved from his allegiance. This was the particular part of Hobbes's theory which rendered it so unacceptable to the exiled Stuarts.

Sovereignty by Acquisition.—It makes no difference, so far as the rights of the sovereign and of the subjects are concerned, whether the former is established by institution or by acquisition. Sovereignty of the latter kind includes the dominion of the parent over the child as well as that acquired by conquest. In the latter case the subject is ruled by the victor, not because he is beaten, but by his own submission. In return for life he promises obedience. There is here, in fact, a covenant between ruler and ruled. Ch. xx.

The remaining chapters of Part II are concerned with the details of the internal administration of the state—of assemblies, ministers, counsellors, commerce, laws, crimes and punishments.

Assemblies.—The conditions of a good counsellor are that— Ch. xxv.

(1) He should have the same aims and interests as his master.

(2) He should be wise and moderate in his counsel, and his advice should be clear and definite.

(3) He should be experienced in the matters on which he advises.

(4) He should have had access to all the necessary letters and treaties if he is to advise on foreign policy.

These qualities are not likely to be characteristic

of an assembly of counsellors. The following objections are urged against assemblies—

(1) Counsellors are better consulted individually than in a body.

(2) Men in an assembly do not vote so much according to their own convictions as by the effect of the eloquence of others, of fear, or of the desire, of going with the majority.

(3) "In an assembly of many, there cannot choose but be some whose interests are contrary to that of the Publique; and these their Interests make passionate, and Passion eloquent, and Eloquence drawes others into the same advice.

(4) In private consultation one can enquire into the grounds of the advice given "by frequent interruptions and objections." This cannot be done in an assembly which is rather dazzled by eloquence.

(5) "In Deliberations that ought to be kept secret, the Counsells of many, and especially in assemblies, are dangerous."

No man in his private affairs takes advice from a council, but consults various people privately, or uses his own judgment. Many counsellors may be better than one, but only if the final decision rests with one man.

Ch. xxvi. **Law.**—"Civill Law is to every Subject, those Rules, which the Commonwealth hath Commanded him, by Word, Writing, or other sufficient Sign of the Will, to make use of, for the Distinction of Right and Wrong; that is to say, of what is contrary and what is not contrary to the Rule."

Only the sovereign can be the legislator, and he

is above the law, since, being sovereign, he can free himself from it if he chooses.

If a law is such by reason of custom, it is not so because of length of time, but because the silence of the sovereign signifies approval of the law.

The Things that Weaken or tend to the Dissolution of a Commonwealth.—These are—

(1) "That a man to obtain a Kingdome, is sometimes content with lesse Power, than to the Peace, and defence of the Commonwealth is necessarily required."

(2) Seditious doctrines—

(*a*) "That every private man is Judge of Good and Evill actions." This may be true in a state of nature, but not where there are civil laws.

(*b*) "That he that hath Soveraign Power is subject to the Civill Lawes."

(*c*) "That a man's property in his goods is valid even against the soveraign."

(*d*) "That the Soveraign Power may be divided." Sovereign power cannot be divided in any way. If the legislative, executive, and taxative functions are divided as sometimes they are, "such government is not government, but division of the Commonwealth into three Factions, and call it mixt Monarchy; yet the truth is, that it is not one independent Commonwealth, but three independent Factions; not one Representative Person, but three."

Other lesser diseases of the commonwealth are want of money; abuses of those who farm the revenues; over-great popularity of an individual subject; too much town-life; liberty of disputing with the sovereign power.

Criticisms of Hobbes.—Hobbes's theory, although it attracted much attention, study, and criticism, never enjoyed any popularity. The cavaliers and the later upholders of the royal prerogative inveighed against it because it denied the divine hereditary right of kings and because it allowed subjects to transfer their allegiance to the Commonwealth government, when the Stuart kings had ceased to reign effectively. The universities could not be expected to regard with favour a book which criticised their teaching and methods freely and contemptuously. The doctrine of the absolute dependence of Church on State was not altogether to the liking of the Anglican Church. The Puritans of all denominations, although in practice they were quite as intolerant of differences in religious opinion and worship as any one, in theory were quite opposed to Hobbes's doctrine that although differences in opinion might be tolerated, there could be no individual liberty in the matter of public worship. The Whigs were altogether opposed to absolute government, and absolute government in some form or other was the key-note of Hobbes's theory. From the time of Locke, Whig influences have been predominant in English historical work and literature, so that even up to the present day, although it is generally recognised and admitted that Hobbes's work is remarkable for its keen incisive analysis, its fearless logic, and its trenchant

expression, greater stress is laid upon his errors than upon the truth which his theory undoubtedly contains.

The State of Nature and the Contract Unhistorical.—The most obvious criticism that can be levelled against him is that his account of the state of nature and of the origin of society is unhistorical. It is perfectly true that but scant regard is paid to history in the *Leviathan.* The author carried out few researches and studied little evidence. His book is a piece of a priori reasoning, the premises of which are pure hypothesis. His description of the state of nature is a piece of shrewd guess-work, while his account of the original contract is a fiction. So far as the historical origin of the state is concerned, therefore, Hobbes is not an authority. Nor did he pretend to be. Nevertheless, even from the point of view of correct history, his statements are not without interest, and are at any rate nearer to the truth than the pictures of early society and of the original contract which later writers on the Social Contract give us. Thus his picture of the state of nature is supported by a reference to the natives of America, amongst whom peace is confined to the members of small families. This picture is akin to that given in the following paragraph by Sir Henry Maine, who first set the investigation of the origin of the state along the right lines of historical enquiry.

Early History of Institutions.

"Then the relations between man and man were summed up in kinship. The fundamental assumption was that all men, not united with you by blood were your enemies or your slaves."

Hobbes's description of the commonwealth by

acquisition is a close approximation to actual fact, and in his account of the paternal dominion of the father over his children he was very near to the patriarchal theory. The following sentence descriptive of the state of affairs, when man is so low in the scale of civilisation that even the family is unknown, is remarkable. It might have been written by a nineteenth-century upholder of the matriarchal theory.

Ch. xx. "For in the condition of meer Nature, where there are no Matrimoniall lawes, it cannot be known who is the Father, unlesse it be declared by the Mother; and therefore the right of Dominion over the Child dependeth on her will, and is consequently hers."

Still it must not be forgotten that Hobbes's method was not historical, and by making unnecessary conjectural historical hypotheses a support for his philosophical theory, he not only laid the latter more open to criticism, but also set a bad example to later writers on the Social Contract whose account of the state and analysis of sovereignty were further from the truth than his own.

A corollary to the criticism of a wrong reading of history is the charge of inconsistency in his version of the Social Contract—an inconsistency due to the historical form into which he put his argument. The contract upon which the *institution* of sovereignty depends is not one between ruler and ruled, but between the ruled, to set up a ruler; but in the *acquisition* of sovereignty the commoner version of the contract is given as one between conquering ruler and subject ruled. But to this charge of inconsistency, and, indeed, to the whole criticism

of false history, Hobbes would probably have replied that he did not insist upon the historical accuracy of his account of the contract, and that, true or false, it made no difference to his theory of sovereignty.

Confusion of Compact with Consent.—There is no doubt, however, that the phrase "social contract" or "social compact" does imply a certain deliberation in the formation of the state, an establishing of it at a definite time for a set purpose, whereas history shows that the idea of the state and of government has developed unconsciously and gradually from the circumstances and necessities of men and families. But Hobbes cared little whether his original contract was actually made or not, and has expressly repudiated any idea of insisting upon his picture of the state of nature as having been universally true. His argument, therefore, might be framed in this wise—

"If men were not organised into states and controlled by governments they would fall into that condition of barbarism which has been described as the state of nature. Knowing this, they acquiesce in the continuance of the government under which they find themselves, and consent to the complete surrender of their individual rights to it on condition of receiving protection, and that all others do the same."

By putting the argument into this form, two criticisms can be disposed of, namely that Hobbes's theory is incorrect historically, and that he confused consent with compact.

But the historical form into which Hobbes threw his argument led him to put into an unnecessary

legal form the denial of the right of rebellion. There does appear to be a confusion of legal with moral obligation, and of moral obligation with expediency. Seeing the terrible condition of the state of nature, it may be against the dictates of common sense to rebel. It may perhaps, though this is more doubtful, be morally wrong. But it is difficult to see that he proves it to be legally wrong, if there is no actual and definite contract that is broken by rebellion; and no valid contract *could* be made, according to Hobbes's own theory, until there was a sovereign to enforce the keeping of it. "The validity of Covenants begins not but with the Constitution of a Civill Power, sufficient to compell men to keep them."

Force *v.* Consent as the Basis of the State.—If, however, a general consent be substituted for a definite contract, this only paves the way for another very common criticism, viz., that consent is *not* the basis of the state; that if it were, coercive government would be unnecessary. Would men actually consent to give up all their rights except the one to resist death or imprisonment, if asked to do so to-day? Almost certainly they would not. Force, it is argued, is the foundation of government quite as much as the consent of the governed, and perhaps more so. It is perfectly true that many political writers and thinkers like Guizot have claimed that coercion is no part of the function of government, and that the true state must depend upon the consent of the governed. But it is equally certain that this was not Hobbes's theory. He claimed that the members of a state had *ipso facto* given their consent to its government,

but he did *not* claim that they would never on one pretext or another try to retract their consent; to break, so to speak, their original contract; that is to oppose or to rebel against their government. He expressly admits the case of those who do not consent to the formation of the state. It is to keep them in check as well as those who would break their contracts, that government has been created and endowed with full powers for the use of force. Consent and force are equally potent to hold Hobbes's state together. Neither, alone, is at the basis of government. Both are there—the consent of those who realise with Hobbes what is the barbarous alternative to the surrender of their rights to government, and force for those who do not. It is the consent of the former which enables force to be used on the latter.

Good Behaviour dependent on other Factors than Law.—It may be urged that Hobbes's picture of man in a state of nature is unreal and fictitious like the economic man so often used in the illustrations of the older school of political economy; that even if not kept in check by government, man is not the selfish creature of impulse and passion that Hobbes pictured him to be, nor would he necessarily relapse into a state of barbarism if the control of government were withdrawn. Furthermore there are many influences which combine to keep a man to the path of righteousness other than the fear of the law—habit, common sense, reason, religious conviction, public opinion — and therefore it is unnecessary to arm the government of the state with the despotic powers upon which Hobbes insists.

History, however, does not support this view, but rather confirms that of Hobbes. Weak government inevitably means disorder and anarchy. Consider the state of Europe in the ninth and tenth centuries after the break-up of the Carolingian Empire. "That time," says Bryce, "was indeed the nadir of order and civilisation. From all sides the torrent of barbarism which Charles the Great had stemmed, was rushing down upon his empire. . . . No one thought of common defence or wide organisation: the strong built castles, the weak became their bondsmen, or took shelter under the cowl."

Holy Roman Empire, ch. vi.

Consider the picture given by Stubbs of the state of England under Henry VI.

"It was weakness not tyranny that lay at the root of the national distress. The administration of justice was sound, but the power of enforcing justice was to some extent wanting; the constant occurrence of local riots, the predatory bands which kept whole districts in alarm, the difficulty of collecting taxes, the general excitement of popular feeling arising on the national disgrace abroad, all called for a strong administration."

Constitutional History, Vol. III., p. 276.

Consider the account given by Lecky of the condition of Italy and of Austria-Hungary during the latter half of the nineteenth century. "The furious and sanguinary riots almost amounting to civil war that have taken place in Italian towns; the crushing and ever-growing weight of taxation; the steady growth of Italian socialism; and the manifest incapacity of a democratic parliament to command the confidence of the Italian people, are signs that it is impossible to mis-read, while in the Austrian

Democracy and Liberty, Introduction.

Empire race warfare has broken out with renewed intensity and the Parliament at Vienna has presented a scene of anarchy and riot which seems to make it scarcely possible that parliamentary government can long continue."

Even in the more advanced and highly civilised states of Europe and in the United States of America during the last two decades, only too many instances can be found of anarchical disorder arising from the contempt into which government has fallen by the failure to deal effectively with strike makers and breakers, home-rulers and anti-home-rulers, suffragettes and anti-suffragettes.

The many influences which have been mentioned as combining with fear of the law to keep a man straight are themselves very largely the product of life in an organised and well-governed state. To some extent they resolve themselves into the *vis inertiæ* which results from a more or less contented life under strong and good government. Religious conviction is certainly not universally strong enough to deter men from doing one another violence if the restraints of government are removed, while public opinion is obviously the product of civilised life and ceases to exist with the disappearance of the state.

Analysis of Law.—Law, however, is made to depend too much upon the word of the ruler. Substantially Hobbes's analysis of the law as "to every Subject, those Rules, which the Commonwealth hath Commanded him, by Word, Writing or other sufficient Sign of the Will, to make use of, for the Distinction of Right, and Wrong," is the same as that of Bentham and Austin. But law is not by

any means capable of such exact definition. There is in all countries a considerable body of customary or common law, which has "broadened down from precedent to precedent," which is not to be found in any statute, which cannot be traced to the command of any lawgiver, but which is nevertheless so effective that no subject may break it and no ruler may disregard it. It is certainly not sufficient to say of this that it depends for its validity upon the silence of the sovereign. This too narrow and arbitrary a conception of law in which Hobbes was followed by Bentham and Austin was destroyed by Sir Henry Maine.

Division of Sovereignty and Mixed Constitutions.—Hobbes insisted strongly upon the error of those who talked of the division of sovereignty, limited monarchy, or mixed constitutions. On nothing does he insist more strongly than that sovereignty is indivisible, and perhaps on no point has he been more adversely criticised than on this. In truth his doctrine was directly opposed to the political catchwords of the seventeenth and eighteenth-century Whigs, to the maxims of the nineteenth-century constitutional historians, and to the apparent development of the British constitution. The Whigs made special efforts to bring about the separation of the executive, legislative and judicial functions of government, and it is generally supposed that this separation is characteristic of, and essential to, the present constitution of Great Britain. Such, however, is not the case. The tendency during the nineteenth and twentieth centuries has been to concentrate all executive, taxative and legislative functions in the cabinet, and to these, judicial

functions have also been added. Nevertheless there is a certain separation even in Great Britain, and the United States of America and other federal states like Germany, Austria-Hungary and Switzerland provide examples of sovereignty being vested in extremely complex organisms with a differentiation of functions.

To this criticism Hobbes provided an answer in the *Leviathan* by showing that in so-called limited or elected monarchies and in mixed constitutions, it is necessary to look below the surface in order to find the real sovereign. Thus England is called a constitutional monarchy, but in actual fact the real sovereignty of England is to be found in a majority of the people of the country. It is quite true that in the last resort there must be in every state a sovereign—monarch, legislative assembly, or the general will of the people — whose will must ultimately prevail, and who must ultimately gather to itself, direct, and control all the functions of government that are apparently divided. On the other hand, in most modern countries with what are called constitutional governments this ultimate sovereign is often difficult to determine; apparently lies dormant for long periods of time, and meanwhile allows its functions to be delegated to different persons and therefore divided. Experience shows that it is not altogether to the disadvantage of the commonwealth that this should be so, and this is a point that Hobbes failed to appreciate in his desire to emphasise the determinate and omnipotent nature of the ultimate sovereign. On the other hand, it must also be noted that this very indeterminateness and delegation with consequent division of functions

has its disadvantages, and that these disadvantages are the evils which Hobbes pointed out. Thus, granting that the ultimate sovereign in England consists of the general will of the people expressed in a general election, it is within the power of the House of Commons to prolong its own existence indefinitely and thus to avoid an appeal to the people. This power has been exercised on more than one occasion. Moreover, as Rousseau pointed out, between general election times, the sovereign will is powerless to express itself, and measures may be passed of which the people would not approve.

Absolute Sovereignty.—The unpopularity of Hobbes arose mainly because of his advocacy of absolute government, whether of a monarch, assembly, or democracy. In the seventeenth and early eighteenth centuries, the Whigs clamoured for "liberty," by which they meant the binding and disarming of the executive government, then represented by the king. Hobbes's doctrine was exactly contrary to the end to which their efforts were directed. But in the eighteenth and nineteenth centuries the cry for "liberty" took on a different meaning. "Liberty may either mean that a man is not bound by law or that he is only bound by laws which he has made (or shared in making) himself. We are quite aware at the present day that a democracy may use the liberty, which in one sense it possesses, by making laws inconsistent with liberty in the other sense." Now although Hobbes had no sympathy with liberty in the former sense, he claimed that in the latter sense the contract whereby the subject authorises all the actions of the sovereign gave him the fullest

"Hobbes"—L. Stephen, ch. iv.

liberty. "For in the act of our Submission, consisteth both our Obligation and our Liberty." Furthermore, although he expressed a decided preference for monarchy, he did not insist upon it. With Pope he would have agreed—

> "For forms of government let fools contest,
> Whate'er is best administered is best."

It is the character of sovereignty, not the person of the sovereign, that is important, and so he typifies it as "Leviathan, our mortal God." So with the modern cry that "the will of the people must prevail," Hobbes is coming into his own with democracy, and a writer in the Cambridge Modern History (that great monument to Whiggery) can declare "We are coming to see that what we want is not less but more central power, now that it is in the hands of the community." C.M.H., Vol. VI., ch. xxiii.

Summary.—To sum up, Hobbes vitiated his theory of the philosophical basis of the state and of sovereignty by putting it into an incorrect historical form, and by giving his doctrine of political obligation a too sharply defined legal aspect. He confounded logical with historical priority, consent with contract, and expediency with morality and legality. His conception of law was too narrow and definite. Nevertheless the *Leviathan* is remarkable, perhaps, more than any other work upon political philosophy for the truth that it contains, its incisive logical analysis, its fearlessness of consequences, and its bold and trenchant expression.

Sir Robert Filmer (*died* 1653)

It has been said that although Hobbes supported despotic government, his theory had no popularity

with the cavaliers who held to the theory of the divine hereditary right of kings. The best known exponent of this theory is Sir Robert Filmer, an ardent supporter of the Stuart cause. He published several books upon the questions of political philosophy, amongst them being a reply to the *Leviathan*, but the most complete expression of his theory is in the *Patriarcha*, published posthumously in 1680.

The *Patriarcha*.—Filmer's philosophical justification of kingship is based upon the statement that the origin of the state is to be found in the family, of which the father is the absolute ruler. Following the narrative of the Old Testament, he declared that God made Adam ruler over the first human family. From Adam the authority descended to Noah, and from the sons of Noah all kings and governors derive their power which thus comes ultimately from God. The authority of a king is that of a father, and he rules by divine hereditary right.

Ch. i. "There is and always shall be continued to the end of the world, a natural right of a supreme father over every multitude."

It follows that the "natural right" of kings to rule makes them absolute.

Ch. iii. "As kingly power is by the law of God, so hath it no inferior power to limit it. The father of a family governs by no other law than his own will, not by the laws and wills of his sons or servants."

A limited monarchy is, therefore, a contradiction in terms. The only true form of government is hereditary despotism, which has a divine sanction and which it is impious to attack. Yet kings must

always seek the public good and must "preserve the lands, goods, liberties and lives of all their subjects, not by any municipal law of the land, so much as the natural law of a father, which binds them to ratify the acts of their forefathers and predecessors in things necessary for the public good of their subjects." Ch. iii.

Criticism.—Filmer's theories had a great vogue among the Tories of the seventeenth century and were publicly adopted by the University of Oxford in 1683, but the success of the Revolution in 1689, the growth and popularity of Whig doctrines of government, and the destructive criticism to which Filmer's theories were subjected by Locke and others, soon brought them into contempt and ridicule.

"I have said nothing of King Adam or Emperor Noah," said Rousseau, "father of the three great monarchs who shared out the universe like the children of Saturn, whom some scholars have recognised in them. I trust to getting due thanks for my moderation; for, being a direct descendant of one of these princes, perhaps of the elder branch, how do I know that a verification of titles might not leave me the legitimate king of the human race?" Contrat Sociale Bk. I., ch. ii.

The treatment that Filmer received at the hands of the great Whig historians of the nineteenth century, Hallam and Macaulay, was not of the kind to enhance his reputation. Hallam said that it is "hardly possible to find a more trifling and feeble work." Macaulay refers to "Filmer's absurd treatise on the origin of government." Filmer's account of the development of states from Adam down to his own day was, of course, a piece of pure imagination without a particle of evidence to support

it. More than that, it was a fantastic impossibility. "Does the divine and immutable law of primogeniture admit females or exclude them?" asks Macaulay; "on either supposition half the sovereigns of Europe must be usurpers, reigning in defiance of the law of God, and liable to be dispossessed by the rightful heirs." Locke also pointed out that rightful heirs had so often been set aside in practically all states, that no modern kings could claim to rule by divine hereditary right according to Filmer's theory. It is only fair to Filmer to say that to a certain extent he anticipated the possibility of such a criticism, and tried to guard himself against it in the continuation of the first quotation given above . . . "although by the secret will of God many at first do most unjustly obtain the exercise of it."

Locke's own summary of his criticism of Filmer is given later.

Filmer was not a deep and acute thinker like Hobbes and Locke, and it cannot be said that he has either added to the sum of human knowledge, or directed thought along new and true lines. Still, his patriarchal theory of the origin of government was not more absurd as a basis for the philosophical justification of the state than the various accounts of an imaginary social contract, and as an account of the actual historical origin of the state it was not far from truth. Moreover he differs markedly from Hobbes, Locke and Rousseau, in making some attempt at the historical method. His arguments are inductive, although it is true that his research was neither wide nor profound, nor his results correct.

John Locke (1632–1704)

The *Patriarcha* called forth a reply from a greater man than its author, and is, indeed, chiefly remembered to-day on that account. John Locke has a greater fame even than Hobbes, and has been called "perhaps the greatest but certainly the most characteristic of English philosophers." His claim to fame is chiefly as a psychologist, and rests upon the *Essay Concerning the Human Understanding* and his *Thoughts on Education*. His political writings were party pamphlets, and the two *Treatises of Government* are *livres de circonstances* to a greater extent even than the *Leviathan*.

Locke's father had fought on the Parliamentary side during the Civil War. He himself formed a great friendship with Shaftesbury, the leader of the opposition to the court party in the reign of Charles II, was expelled from Christ Church, Oxford, for his political opinions in 1684, was in danger of arrest in Holland as a person disaffected to James's government during Monmouth's rebellion, returned to England in 1689 after the Revolution as the friend and companion of Mary, wife of William III, and for nearly the remainder of his life held a sinecure office under William's government. He was therefore by tradition and interest as well as by conviction a Whig, and the two *Treatises on Government* which were published together in 1690 are a defence of the Whig position.

"Two Treatises of Government

Title-Page.

"In the former the false principles and foundation of Sir Robert Filmer and his followers are detected and overthrown.

"The latter is an essay concerning the true original, extent, and end of civil government."

The first treatise was written between 1680 and 1685. Its contents are summarised in the first chapter of the second treatise thus—

Bk. II., ch. i.

"It having been shown in the foregoing discourse—

"*Firstly.* That Adam had not, either by natural right of fatherhood or by positive donation from God, any such authority over his children, nor dominion over the world, as is pretended.

"*Secondly.* That if he had, his heirs had no right to it.

"*Thirdly.* That if his heirs had, there being no law of Nature, nor positive law of God that determines which is the right heir in all cases that may arise, the right of succession, and consequently of bearing rule, could not have been certainly determined.

"*Fourthly.* That if even that had been determined, yet the knowledge of which is the eldest line of Adam's posterity being so long since utterly lost, that in the races of mankind and families of the world, there remains not to one above another, the least pretence to be the eldest house, and to have the right of inheritance.

"All these premises having, as I think, been clearly made out, it is impossible that the rulers now on earth should make any benefit, or derive any the least shadow of authority from that, which is held to be the fountain of all power, Adam's private dominion, and paternal jurisdiction."

The second treatise contains Locke's own views on the origin and purpose of civil government, and

appears to have been written at the time of the English Revolution. It is, in fact, an apology for the Revolution. Locke declared his object to be "to establish the throne of our great restorer our present King William; to make good his title in the consent of the people which being the only one of all lawful governments, he has more fully and clearly than any prince in Christendom; and to justify to the world the people of England whose love of their just and natural rights, with their resolution to preserve them, saved the nation, when it was on the very brink of slavery and ruin." Preface.

The State of Nature.—Like Hobbes, Locke pictures a state of nature antecedent to the social compact. This is a state of freedom and equality "wherein all the power and jurisdiction is reciprocal, no one having more than another," and men are led by reason which "teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions." The state of war and the state of nature "are as far distant as a state of peace, goodwill, mutual assistance, and preservation; and a state of enmity, malice, violence, and mutual destruction are from one another." Nevertheless later on, it appears that although in the state of nature, men ought to be led by reason, they are not so actually, for the state of nature is a "condition which however free is full of fears and continual dangers," and a man's liberty is "very uncertain and constantly exposed to the invasion of others," while "the enjoyment of property he has in this state is very unsafe and very insecure." This being so, it is the law of nature that every one has

Bk. II., ch. ii.

Ch. iii.

Ch. ix.

the right to use such force as may be necessary to prevent another from interfering with his life, liberty, or estate; to punish any one who does so; and to obtain reparation.

To the objection that there never has been in the history of man such a state of nature as he depicts, Locke contents himself with pointing out with Hobbes that the rulers of independent states are in this condition one to another, and by affirming "that all men are naturally in that state and remain so till, by their own consents they make themselves members of some politic society."

The Social Contract.—This condition of the state of nature in which every man is both judge and executioner in his own case, but in which he often "wants power to back and support the sentence when right, and to give it due execution," being, therefore, by reason of the "corruption and viciousness of degenerate men," "but an ill-condition," men for the better preservation of their lives, liberties and estates unite into commonwealths and put themselves under government. Thus the reasons alleged by Locke for the formation of the state are not in the long run very different from those given by Hobbes.

As with Hobbes, the original compact is made among those who afterwards become members of the state, by each "agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it."

Ch. viii.

The terms of this compact are much vaguer than

those given by Hobbes, but it is clear that the individual surrenders his rights in favour of the majority.

"And thus every man by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority and to be concluded by it."

"For where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again."

Sovereign Power.—According to Hobbes, the majority would have been the sovereign of the newly-created state, but Locke makes the majority delegate its power. After the original compact whereby the state was established, and distinct from it, comes the next step, namely, the setting up of a ruler or legislative power, which Locke calls the "supreme power of the commonwealth." Ch. xi. Its functions are to make laws and "to direct how the Ch. xii. force of the commonwealth shall be employed for preserving the community and the members of it." This legislative power is bound to act for the good of the people, and is responsible to them for its actions. Although it is said to be "sacred and unalterable Ch. xi. in the hands where the community have once placed it," nevertheless being "only a fiduciary power to act for certain ends, there still remains in the people a supreme power to remove or alter the legislative when they find the legislative act contrary to the trust imposed in them."

It may be put into the hands of one man—and either for life or hereditarily—or into the hands of a few, or it may be kept in the hands of the

community; and according to the bestowal of this legislative power is the form of the commonwealth—whether monarchy, aristocracy, or democracy.

This "supreme power," however, is not unlimited.

Ch. ix. "Men when they enter into society give up the equality, liberty or executive power they had in the state of nature into the hands of the society to be disposed of by the legislative as the good of the society shall require." Therefore the power of the legislative "can be no more than those persons had in a state of nature before they entered into society and gave it up to the community," and "nobody has an absolute arbitrary power over himself, or over any other, to destroy his own life, or take away the life and property of another." Therefore the legislative must not make laws except in accordance with the law of nature; its power over the lives of the members of the community

Ch. xi. is ill-defined; it "cannot take from any man any part of his property without his own consent"; it cannot even impose taxes without "the consent of the majority, giving it either by themselves or their representatives chosen by them."

Subordinate to the legislative are the executive and other powers. But here again there is complication, for the head of the executive may be an individual who is also part of the legislative and without whose consent no laws can be made. (Locke obviously had in mind England under William III.) He might be termed supreme. Moreover the executive has the prerogative of taking such measures as are necessary for the welfare of the people. *Salus populi suprema lex.* Yet should it put force upon the people without authority it may be resisted by force.

Comparison of Hobbes and Locke.—Thus starting from similar premises, Hobbes and Locke have each arrived at their desired conclusions as far asunder as the poles—Hobbes that of absolute sovereignty whether monarchical, aristocratic, or democratic, and Locke that of a limited monarchy. The former declared resistance to the sovereign to be unlawful except in certain extreme instances. The latter expressly reserved to the subjects the right of deposing their monarch if he does not suit them. The difference, however, between the two is not so fundamental as at first sight it appears, for it is clear that the ultimate and real sovereign, according to Locke's theory is the majority of people. And although the right of the subject to resist and remove the legislature is expressly reserved, he has no right whatever, once having become a party to the original contract whether by actual or tacit agreement, to resist or disobey the will of the majority. The real difference between the two lies in the fact that whereas Hobbes declared the functions of sovereignty to be "incommunicable and inseparable," Locke's theory is that the majority delegates its sovereign powers to the legislative—monarch or assembly—reserving the right to review its acts and to remove it if necessary. Locke, in fact, distinguished between a legal and an ultimate sovereign, a distinction which corresponds to the facts of to-day. The former can be removed without dissolving the state, whereas according to Hobbes's theory the disestablishment of government meant the breaking of the original contract and the dissolution of society.

Nevertheless the delegation of powers is not

complete, since the consent of the majority must be taken to taxation. This reservation led Locke into hopeless inconsistency, for he states "the community may be said in this respect to be always the supreme power, but not as considered under any form of government, because this power of the people can never take place till the government be dissolved."

A comparison between Hobbes and Locke is to the disadvantage of the latter, whether in point of style or true and logical reasoning. Hobbes is clear and lucid in his exposition, carries his arguments step by step fearlessly whithersoever they lead him, and therefore develops his theory of sovereignty consistently and logically. If his premises be admitted it is hard to refute his arguments. Locke is not without confusion and inconsistency both in his premises and in his argument. He has no clear and consistent view either of the state of nature or of the characteristics of sovereignty. His historical examples and arguments based upon history led him into deep and unknown waters, for he sneers at those who would base the patriarchal theory of the origin of government upon history, and declares categorically that the examples of
Ch. viii. history show "that the governments of the world that were begun in peace, had their beginning laid on that foundation" (*i. e.* the social contract), "and were made by the consent of the people." And again he carefully and rigidly distinguishes
Ch. xv. between paternal and political power. "This (political) power has its original only from compact and agreement and the mutual consent of those who make up the community." These definite historical statements are very unfortunate.

Furthermore, Locke confuses what is, with what ought to be, to an even greater extent than Hobbes. His book is a description of the nature of sovereignty according to Locke rather than according to the actual facts of the world. Hence a confusion in the use of language. When he says a ruler *can* or *cannot* do a thing he really means *ought* or *ought not* to do it. For instance, Hobbes, in his treatment of the acquisition of sovereignty by conquest, takes up the position that a conqueror *ipso facto* has power over the conquered, and that they must yield to his will lest worse befall them. He does not attempt to say what a conqueror *ought* to do by reason of any moral law. That is another question. Locke, however, states that a conqueror "gets no power but only over those who have actually assisted, concurred or consented to that unjust force that is used against him." This may—or may not—be true from a moral point of view, but it is an obvious mis-statement of the condition of affairs wherein the conquered actually lie at the mercy of the conqueror. Ch. xvi.

As in the case of Hobbes, the errors of Locke arose from the fact that he was not conducting an academic enquiry into the origin and nature of sovereignty so much as endeavouring to make these fit into a theory preconceived to defend and vindicate a political event and a political party. It was because of this latter fact that his theory enjoyed a popularity and a longevity to which its value scarcely entitled it. Locke was the apostle of Whiggery, and Whig principles dominated politics throughout the eighteenth century and the writing of history until the middle of the nineteenth.

Popular conception of the Social Contract.—It should be remarked that the theory of the social contract to be found in the pages of Hobbes and of Locke did not correspond with the popular idea of the contract prevalent throughout the seventeenth and eighteenth centuries. This was simply one of a contract between ruler and ruled, and there was no conception of an original contract among the latter to establish the former. The best expression of the popular idea is to be found in the resolution of the convention parliament of 1689 declaring the throne to be vacant.

"That King James the Second having endeavoured to subvert the Constitution of the Kingdom by breaking the original contract between King and People, and by the advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of this Kingdom, has abdicated the government, and that the Throne is thereby become vacant."

The convention parliament would have been hard put to it to discover the "original contract" to which it referred.

Jean Jacques Rousseau (1712–1778)

Rousseau has won a greater fame than he is, perhaps, entitled to either by reason of his life or works, and this fame is largely owing to the extraordinary popularity of the *Contrat Social.* His exposition of the theory of the social contract is a more consistent and explicit working out of the conception that was originated by Locke. His book flung the theory to the world, and it became the popular exposition throughout Europe and

America. It would be wrong to say that Rousseau's work—or the works of any political philosopher—caused either the American War of Independence or the French Revolution, but it would be true to say that these great revolutions were due to ideas of which the *Contrat Social* was the expression. Rousseau's book was very popular with the American and French middle classes that provided both the leaders and the brains for each rebellion. It is therefore owing to its enormous consequences as much as to its intrinsic merit that it is important.

Rousseau's father was a watchmaker of Geneva. His upbringing was careless and haphazard in the extreme, and at the age of sixteen he ran away and commenced a series of restless wanderings and sordid adventures which lasted practically all his life. His writings brought him fame, friends and material comfort, but to the end he remained petulant, jealous and discontented. In his later years he was more than half insane. He was a true child of the people, and had an intense sympathy with their sufferings as he saw them in his wanderings through France, but his sympathy was marred by the sickly sentimentality which disfigured both his life and writings, and which rendered his sympathy and much of his work of little value.

Le Contrat Social (*published* 1762)

The State of Nature.—In two previous prize essays, notably in the *Discours sur l'Origine de l'Inégalité*, published in 1754–5, and also in the *Émile*, published in 1762, Rousseau idealised the state of nature and belauded the noble simplicity of human life therein. But his "noble savage"

did not survive into the *Contrat Social.* The state of nature is not explicitly described in this book, but it is implied that its main features were freedom and equality. It was not a particularly pleasant state, for there were certain undefined obstacles to the preservation of the individual which his powers of resistance were unable to overcome, so that "the human race would perish unless it changed its manner of life." Moreover in it man is described as a "stupid and unimaginative animal," a slave to the impulses of appetite, with an unlimited right to anything that he could get. Again it is a state in which people "would inevitably have to fight battles at the peril of their lives in defence of that which is the means of their preservation," for in that state "I recognise as belonging to others only what is of no use to me."

Bk. I., ch. vi.

Bk. II., ch. iv.

Bk. II., ch. vi.

People therefore set themselves to solve the following problem—

"To find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before."

Bk. I., ch. vi.

This problem is solved by the social contract.

The Social Contract.—The terms of the contract are as follows—

"Each of us puts his person and all his power in common under the supreme direction of the general will, and in our corporate capacity, we receive each member as an indivisible part of the whole."

Bk. I., ch. vi.

Thus although each member surrenders his rights without exception to the community, no one is a loser thereby, for if one is subject to the general

will, still one shares in the control exercised by the community over every individual of it.

Sovereignty.—The sovereign power is the "general will" of the community of those who have entered into the contract. This sovereignty is inalienable and indivisible. It cannot be delegated. The so-called representatives of the people in an elected assembly have no sovereign power, and must do exactly and only what they are elected to do. Thus the English, who are ruled by a parliament that acts on its own initiative, are not really free except at a general election.

Sovereign power is absolute. If the will of an individual conflicts with the general will of the sovereign community he must be compelled to give way and thus "forced to be free." Nevertheless the individual surrenders only so much of his liberty as is necessary for the common welfare, but of the amount that must be surrendered the sovereign is the only judge. Bk. I., ch. vii

The Legislative and Executive.—The sovereign people can, however, be deceived, and is not wise enough to make its own laws. It is especially liable to be misled and corrupted by faction, so that the general will cannot always be made articulate. Moreover the general will cannot deal with particular instances, for in such cases the individual affected will be one party and the public the other, whereas the general will must be always right, and such that each individual in working for it and obeying it is working for his own happiness and obeying his own will. The general will, therefore, is limited to general conventions, and the drawing up of the laws must be entrusted to a legislator—

a Lycurgus. But the latter will not be entrusted with their administration, lest he be corrupted and led away by the consideration of his own interests. The executive is to be entrusted to another officer or body of officers—the government. This executive government differs markedly from Locke's conception, and still more so from Hobbes's, inasmuch as it is only an instrument of the sovereign people—the intermediary which transmits the commands of the latter to the individual. There is no compact between the community and the government, for the latter acts as the servant of the former, and the bond between them is that of a commission and not a compact.

Bk. III., ch. iii. **Kinds of Government.**—Rousseau follows Aristotle in classifying states according to the forms of their governments into monarchies, aristocracies and democracies. These shade imperceptibly into one another, and there are also mixed governments. To the question which is the best form of government it is impossible to give a decisive answer, for each is in some cases the best. Generally speaking, democracy is more suited for small poor states in cold climates, and monarchy for large rich states in hot climates where the land is fertile. The strength, efficiency and promptitude of government varies inversely with the number of individuals who compose it. Therefore if kings were always what they should be, monarchical government would undoubtedly be the most preferable, but *corruptio optimi pessima.* The private interests of kings conflict with their public duty, and they try to assume the sovereign power which is not lawfully theirs, and become despots. It is rare to find the magis-

Bk. III., ch. ii.

Bk. III., ch. vi.

trates, counsellors and officers of kings chosen on account of their rectitude or ability. Moreover there is great difficulty with regard to the succession. Elections give rise to intrigue, corruption, and "leave dangerous intervals and are full of storms," while hereditary succession is most unsatisfactory, for experience proves that princes who are born to the purple generally lack the requisite moral qualities necessary to good rulers. Bk. III. ch. vi.

Democracy requires such a degree of virtue and courage, such equality of rank and fortune, such simplicity of life among the citizens, as to be practically impossible as a form of government. Moreover "no government is so subject to civil wars and intestine agitations as democratic or popular government." Bk. III., ch. iv.

"Were there a people of gods, there, government would be democratic. So perfect a government is not for men." There remains, therefore, aristocracy, and if the government is entrusted to those who are best, wisest, and most experienced among the citizens—what may be termed natural aristocracy—this is on the whole the best form of government. In this form of government the rulers are to be elected. "By this means uprightness, understanding, experience and all other claims to pre-eminence and public esteem become so many further guarantees of wise government." Bk. III., ch. v.

Criticisms.—It will be seen that if Rousseau is an opponent of monarchy, the advocates of popular government find small comfort in him. His destructive criticisms of monarchy and democracy are shrewd and sound, but history and experience do not bear out his contention that an elected is

likely to be a true aristocracy. Rousseau apparently believed greatly in election—"the public voice hardly ever raises to the highest positions men who are not enlightened and capable, and such as to fill them with honour."

The history of modern countries as well as of ancient Greece will hardly bear out this sweeping statement. On the contrary it is rather the man of the persuasive tongue, with the ability to flatter and cajole multitudes—the demagogue—who heads the poll and thus "talks" his way to office and power. Rousseau himself says that in the case of elective monarchies, elections are "full of storms" and "intrigue and corruption abound."

Bk. III., ch. vi.

Rousseau, by making the "general will" of the community the undoubted and absolute sovereign of the state, has worked out Locke's theory to a more logical and consistent conclusion. Furthermore, although his sovereign is even more despotic and arbitrary than that of Hobbes, inasmuch as he states that when the prince says to an individual, "It is expedient for the state that you should die," then that individual ought to die "because his life is no longer a mere bounty of nature, but a gift made conditionally by the state," nevertheless the theory is more attractive than that of Hobbes, for the sovereign that claims this power of life and death is the general will of the community. But it cannot be said that Rousseau worked out his theory as clearly, logically and fearlessly as Hobbes did his.

Bk. II., ch. v.

Vagueness with regard to the State of Nature and the Original Contract.—It is diffi-

cult to understand whether Rousseau meant the first convention for the establishment of the social contract to be taken as an actual historical fact, or as a statement of the only way in which government may be made legitimate. The state of nature is not clearly defined, and therefore the reasons for entering into civil society are not clearly stated. Hobbes states definitely that it is the selfish and conflicting interests of individuals that have to be checked, and it is for this reason that in the state they must surrender all their rights to the great LEVIATHAN. Rousseau does not explicitly state what are the obstacles that oppose the preservation of the individual in the state of nature. It may be gathered, however, that they are not different from those described by Hobbes, and that individuals will have to be coerced in Rousseau's state just as much as in Hobbes's. Will the "general will" be able to do this, or in other words, will the state of which the general will is the sovereign be efficient to carry out the work for which it was established? Of itself, it is clear that the general will cannot perform the functions and duties of sovereignty, and therefore a legislator and an executive government are appointed as its instruments. The relations between the general will and the legislator are unsatisfactory.

"How can a blind multitude which often does not know what it wills, because it rarely knows what is good for it, carry out for itself so great and difficult an enterprise as a system of legislation." Bk. II. ch. vi. So a legislator has to be found to do this, though it is not stated who chooses or who appoints him. In fact Rousseau almost despairs of finding a man

wise enough for this great task, and even when he is found and has drawn up his code of law, the people are so stupid that he is faced with the almost insuperable difficulty of persuading them to accept it, since only the "general will" can actually make the laws. Often he can only do so by pretending that the laws are divinely inspired. But if this be done, what becomes of legislation by the general will? Is not the whole theory of the general will merely a Machiavellian device for making the people more readily obey the laws which have been imposed upon them by somebody wiser than themselves?

Executive Government.—Let us with Rousseau glide hastily over this slippery ground and come to the executive government—the instrument whereby the general will enforces itself upon the individual. By limiting the acts of the prince or executive government to carrying out and giving effect in particular instances to the general laws propounded by the legislator and passed by the sovereign people, Rousseau is in agreement with Aristotle as to the necessity of the reign of law in the state. Within the limits set by the law, however, the executive government is supreme, since if it orders a man to die, that man ought to die. Rousseau, in fact, did not fear—as Hobbes did—that the executive government might not be strong enough to carry out its functions, but rather that it might endeavour to encroach upon the functions of the real and ultimate sovereign. He therefore had little to say about strengthening the executive government, and a great deal about the means whereby the sovereign people might keep a check upon it.

But suppose the executive government be resisted by a powerful minority or faction that declares itself to represent the general will. What ought to be done in that case? Who is to be the judge whether this apparent faction does actually represent the sovereign people?

Again, in order to prevent the executive government from encroaching upon the functions of sovereignty, the sovereign people are to be periodically summoned to review its acts and to review its authority, and during such meetings the powers of the government completely lapse. It is true that the real and ultimate sovereign is then supposed to be exercising its powers directly, but the presumption throughout has been that it cannot do this at all effectively. The general will may be obscured and rendered ineffective in the clash of conflicting individual wills. Do not these meetings therefore provide a dangerous opening for faction, sedition, irreconcilable differences of opinion, and a consequent return to the anarchy of the state of nature? "Long debates, dissensions, and tumult proclaim the ascendency of particular interests and the decline of the state." Bk. IV, ch. ii.

The General Will.—The essential error of Rousseau, however, lies in his conception of the general will. When carefully examined the latter is found to be so elusive as to be almost non-existent. It is not to be found in the acts or decisions of the executive government, for the latter is only the instrument of the general will. It is not to be found in the act of the appointment of the executive government, for this can be done by a majority, and contrary to the wishes of the minority. It is

not to be found in the laws under which the state is governed, for these are the work of the legislator. In fact it appears only once—in the original decision whereby the social contract was concluded. This decision must be unanimous. But here, too, Rousseau recognises the possibility of some people not agreeing to the contract. This "merely prevents them from being included in it. They are foreigners among citizens." With this he leaves them, but the difficulty cannot be so lightly passed over. How are these "foreigners" to be treated? If they are permitted to go their own way without let or hindrance the interests of the citizens will be imperilled, and the security for which the state was established will not be attained. If, on the other hand, all the force of the general will is to be used to coerce them into behaving in conformity with the wishes of the citizens, then the state might in the extreme instance be the narrowest and most tyrannical oligarchy, and in any case the term "general will" is a misnomer.

Bk. IV., ch. ii.

Security *v.* Freedom.—Rousseau in setting forth the initial problem which the social contract was supposed to solve, has stated in explicit terms what is in reality the root problem of political philosophy. *How is complete security to be combined with absolute freedom?* As already shown, the word "freedom" can be used in two senses, and it is clear that the problem is incapable of solution if freedom be taken to mean liberty to do exactly as one pleases. Hobbes frankly declared it to be incapable of solution in any case. Complete security and absolute freedom, said he, are incompatible, and if you want the one you must give up the other.

Rousseau's attempt to solve the problem depends upon the term freedom being used in its other sense, namely as a surrender of one's rights only to a sovereign of which oneself is part. Thus, it is claimed, security is obtained without loss of freedom. But is it? Modern democratic states are practical attempts to solve the problem along Rousseau's lines, but in nearly all of them may be found permanent minorities, "irreconcilables" who cannot be said to have freedom in either the one sense or the other, since they are compelled to submit to the will of the majority, under a form of government to which they have never consented, and thus are "forced to be free." They correspond to those people who would not agree to Rousseau's original contract, and are therefore called foreigners. Women, too, and all unenfranchised classes, cannot be said to have freedom in either the one sense or the other. It appears, therefore, that neither freedom nor security are completely attained in Rousseau's state. In fact, of the three theories of sovereignty, dependent upon the social contract, that have here been described, Hobbes's is the only one that is worked out clearly, consistently, and logically to its bitter conclusion. The theory of each is based upon the hypothesis that men, if left to themselves, with no external check upon their passions and their selfishness, would relapse into a state of internecine war. Understanding this, they set up a sovereign over themselves. But both Locke and Rousseau shrank from facing the fact that if the sovereign power is effectually to carry out the work for which it has been established, it must be uncontrolled, absolute, and

undivided. So Locke set up his "fiduciary power," subject at intervals to the whims and caprices of popular control—the very passions which it is supposed to hold in check, and Rousseau went even further by making his executive government the commissioned officer of the community. Hobbes alone saw clearly that to leave to the individual the rights of passing judgment upon and changing the sovereign power was to create a weak spot in the defence against popular passions which the original contract was to erect.

On the other hand, Hobbes saw only one side of the question. It may be true that absolute security can only be obtained in the way that he described, but perhaps he overestimated the value of security. The absolute surrender of freedom may be too great a price to pay for it. This at any rate seems to be at present the general opinion, since democratic states, which are now becoming more and more universal, endeavour to arrange a compromise whereby both security and freedom are provided to a certain extent, although neither is completely obtained. Therefore Rousseau's theory, although not logically perfect, is more in accordance with the spirit of compromise which dominates all practical politics. This spirit of compromise, however, has the defect that there is a perpetual conflict between the two principles which it strives to hold in balance—security and freedom. It is this perpetual conflict which is the root cause of the instability of all governments. Rousseau had an inkling of this.

Bk. III., ch. x. "As the particular will acts constantly in opposition to the general will, the government continually exerts itself against the sovereignty."

"This is the unavoidable and inherent defect which from the very birth of the body politic, tends ceaselessly to destroy it, as age and death end by destroying the human body."

Rousseau has here given one particular aspect of the unceasing struggle between liberty and security which has caused the long series of revolutions and changes of government that make up the constitutional history of mankind. In times of peril and disorder people are willing to surrender liberty for security, and strong government has its day. But when the strong government has accomplished its purpose, and peace and prosperity succeed peril and disorder, then there arises an outcry for freedom, and the government is weakened by the safeguards which are erected around it to secure the liberty of the individual. This ebb and flow has gone on from the earliest historic times. It led Plato and Aristotle to formulate their theories of a cycle or succession of governments. It shows that there is no finality in the constitution of a state, and it proves the hopelessness of trying to induce men to submit to a particular form of government by any philosophical theory such as that of Hobbes, Locke or Rousseau.

CHAPTER IV

THE ANALYTICAL SCHOOL OF JURISTS

Historical Error of the Social Contract Theory.—The most obvious error of the writers on the social contract theory lay in their endeavour to find the philosophical justification of the state in certain rights and ideas said to be inherent in man, and therefore to be found in him in a condition historically antecedent to that of the state—the condition which they called the state of nature. During the latter half of the eighteenth century and the first half of the nineteenth, there arose a school of jurists who endeavoured to ascertain the real nature of law and sovereignty by an analytical examination of the meaning of these terms. This school denied the historical antecedency to the state of any such rights and ideas as had been described by the writers on the social contract, but admitted that these might be regarded as logically antecedent to the state. The names of the chief writers of this school are Blackstone, whose *Commentaries on the Laws of England* was published in 1765–9; Bentham, whose *Fragment on Government* was published in 1776; and Austin, whose *Province of Jurisprudence Determined* appeared in 1832.

These writers are by no means in agreement

among themselves. In fact, the *Fragment on Government* is a deliberate and rather bitter criticism of Blackstone's *Commentaries*. But all are agreed that the social contract as a theory of the origin of government is a fiction.

Says Bentham: "I was in hopes . . . that this chimera had been effectually demolished by Mr. Hume. I think we hear not so much of it now as formerly. The indestructible prerogatives of mankind have no need to be supported upon the sandy foundation of a fiction." Ch. i, ¶ xxxvi.

Blackstone says: "The only true and natural foundations of society are the wants and the fears of individuals. Not that we can believe, with some theoretical writers, that there ever was a time when there was no such thing as society, either natural or civil; but that, from the impulse of reason, and through a sense of their wants and weaknesses, individuals met together in a large plain, entered into an original contract, and chose the tallest man present to be their governor. This notion, of an actually existing unconnected state of nature, is too wild to be seriously admitted, and besides it is plainly contradictory to the revealed accounts of the primitive origin of mankind, and their preservation two thousand years afterwards; both which were effected by the means of single families." Introduction § ii.

Austin says: "We sufficiently account for the origin of those respective obligations when we refer them simply (or without the supposition of an original covenant) to their apparent and obvious foundations—namely, the law of God, positive law, and positive morality." Lecture vi.

Blackstone puts his finger on the real error of

the social contract theory, and gives the sense in which it might be said to have a certain amount of truth in the continuation of the passage quoted above—

"But though society had not its formal beginning from any convention of individuals, actuated by their wants and fears; yet it is the *sense* of their weakness and imperfection that *keeps* mankind together, that demonstrates the necessity of this union, and that therefore is the solid and natural foundation, as well as the cement, of civil society. And this is what we mean by the original contract of society; which, though perhaps in no instance it has ever been formally expressed at the first institution of a state, yet in nature and reason must always be understood and implied, in the very act of associating together: namely, that the whole should protect all its parts, and that every part should pay obedience to the will of the whole."

This passage was bitterly attacked by Bentham, and perhaps fails in a certain ambiguity of language. Still, although this school of jurists denies that the state of nature and the social contract are in any way historical facts, it is in substantial agreement with the writers on the social contract in finding the *raison d'être* of the state in those rights and ideas of man, which the latter school declared to be inherent in him in the state of nature.

It remains to describe the theory of sovereignty of the analytical jurists and to compare it with that of Hobbes and Rousseau.

Analysis of Law.—Blackstone defined municipal law, whereby he meant such law as could not be called the law of nature or of God, or international

law, as "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong."

"Every positive law," said Austin, "or every law simply and strictly so called, is set by a sovereign person or a sovereign body of persons to a member or members of the independent political society wherein that person or body is sovereign or supreme."

The same idea may be given in Maine's words: "Bentham in his *Fragment of Government*, and Austin, in his *Province of Jurisprudence Determined*, resolve every law into a *command* of the lawgiver, an *obligation* imposed thereby on the citizen, and a *sanction* threatened in the event of disobedience; and it is further predicated of the *command*, which is the first element in a law, that it must prescribe, not a single act, but a series or number of acts of the same class or kind." *Ancient Law*, ch. i

Analysis of Sovereignty.—This analysis of law presupposes the existence of a political superior or sovereign power, for, said Blackstone, "it is requisite to the very essence of law, that it be made by the supreme power." "The legislator," said Austin, "is he, not by whose authority the law was first made, but by whose authority it continues to be a law."

Therefore in all states, said Blackstone, there must be "a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summa imperii*, or the rights of sovereignty reside." Austin said: "The notions of sovereignty and independent political society may be expressed concisely thus. If a *determinate* human superior, *not* in a habit of

obedience to a like superior, receive *habitual* obedience from the *bulk* of a given society, that determinate superior is sovereign in that society, and the society (including the superior) is a society political and independent."

Criticism.—The analysis of law and of sovereignty of these writers, therefore, leads them to a conclusion very similar to that of Hobbes, while it is diametrically opposed to the vague and indeterminate general will of Rousseau. But they are too definite and precise. The analysis of law may tally "with the facts of mature jurisprudence," but it will not account for the existence of a good deal of customary law recognised in the courts, and some of it of such force that no sovereign would dream of destroying it. It is scarcely sufficient to say of this law, that it depends on the silence and implied consent of the sovereign. Moreover, in the infancy of the human race, law is mostly of this kind. "It is certain," says Maine, "that, in the infancy of mankind, no sort of legislature, nor even a distinct author of law, is contemplated or conceived of. Law has scarcely reached the footing of custom; it is rather a habit." Law of this kind seems to be as near a manifestation of the general will as one is likely to see.

Ancient Law, ch. i.

The analysis of sovereignty is equally open to the objection that it does not altogether square with the facts of sovereignty as they appear to-day, or have appeared in the past. For instance, in Great Britain to-day, the nominal and apparent sovereign is the King, but according to legal theory the sovereign consists of the King, the House of Lords, and the House of Commons, while actually

the executive, much of the legislative, and some judicial power are in the hands of none of these, but of the Cabinet. Lastly, it is generally held that the ultimate sovereign consists of the whole body of electors, although, as Rousseau pointed out, they may only exercise their power at election times. There is therefore in Great Britain no political superior as determinate as the theory of the analytical jurists and of Hobbes required. It might be replied that the British constitution is in a state of flux or unstable equilibrium, and that out of the present indeterminate chaos of powers a real determinate sovereign will presently emerge. This is very probable, but it would be absurd to wait the coming of this sovereignty, or to declare that until it does emerge there is no real sovereign power in Great Britain.

The error of the analytical school is well described by Sir Henry Maine in the following passage—

Early Institutions, Lecture xii.

"That which we reject in the process of abstraction by which the conception of sovereignty is reached is the entire history of each community. First of all, it is the history, the whole historical antecedents, of each society by which it has been determined where, in what person or group, the power of using the social force is to reside. The theory of sovereignty neglects the mode in which the result has been arrived at, and thus is enabled to class together the coercive authority of the great King of Persia, of the Athenian Demos, of the later Roman Emperors, of the Russian Czar and of the Crown and Parliament of Great Britain. Next, it is its history, the entire mass of its historical antecedents, which in each community determines

how the sovereign shall exercise or forbear from exercising his irresistible coercive power. All that constitutes this—the whole enormous aggregate of opinions, sentiments, beliefs, superstitions, and prejudices, of ideas of all kinds, hereditary, and acquired, some produced by institutions, and some by the constitution of human nature—is rejected by the analytical Jurists. And thus it is that, so far as the restrictions contained in their definition of sovereignty are concerned, the Queen and Parliament of our own country might direct all weakly children to be put to death or establish a system of *lettres de cachet.*"

An exposition has now been put before the reader of two diametrically opposed theories of sovereignty —that of a definite and determinate human superior, and that of a vague and indeterminate entity called the general will—and neither theory has been found at all satisfactory in explaining the actual facts of sovereignty as it exists or has existed. Can a real, true, and satisfactory theory of sovereignty, therefore, be formulated? The best solution of the difficulty is probably that given by T. H. Green.

Principles of Political Obligation, F.

"The two views thus seem mutually exclusive, but perhaps it may be by taking each as complementary to the other that we shall gain the truest view of sovereignty as it actually exists. In those states of society in which obedience is habitually rendered by the bulk of society to some determinate superior, single or corporate, who, in turn, is independent of any other superior, the obedience is so rendered because this determinate superior is regarded as expressing or embodying what may properly be called the general will, and is virtually

conditional upon the fact that the superior is so regarded." To which it may be added that where the political superior appears to lack the quality of determinateness, it is because the general will—so called—is directly effective to a greater or less degree.

CHAPTER V

THE HISTORICAL SCHOOL AND SIR HENRY MAINE

THE a priori or analytical school both of political philosophers and of jurists has thus failed to explain all the facts of sovereignty as it actually exists. Valuable as the conclusions of this school are, they need to be supplemented by historical enquiry. But for many years the very insistence upon these conclusions diverted thought and attention from historical enquiry. Maine said: "Theories, plausible and comprehensive but absolutely unverified, such as the Law of Nature, or the Social Compact, enjoy a universal preference over sober research into the primitive history of society and law; and they obscure the truth not only by diverting attention from the only quarter in which it can be found, but by that most real and most important influence which when once entertained and believed in, they are enabled to exercise on the later stages of jurisprudence." And again: "Many years ago I made the attempt, in a work on Ancient Law, to apply the so-called Historical Method of enquiry to the private laws and institutions of Mankind. But, at the outset of this undertaking, I found the path obstructed by a number of a priori theories which, in all minds but a few, satisfied curiosity as to the Past and paralysed speculation as to the Future. They had

Ancient Law, ch. i.

Popular Government, Preface.

for their basis the hypothesis of a Law and State of Nature antecedent to all positive institutions, and a hypothetical system of Rights and Duties appropriate to the natural condition."

Montesquieu (1689–1755).—It is commonly stated that the founder of the historical method in political philosophy was Charles, Baron de Montesquieu, whose great book the *Esprit des Lois* was published in 1748. The full title of the book is "The spirit of the laws; or the relation which laws should bear to the constitution of every government, manners, climate, religion, commerce," and in the main Montesquieu fulfilled the promise indicated in this title, by making an enquiry into the nature of contemporary and historical states, their laws, and the influence of environment upon the latter. He laid great stress upon the influence of environment and of climate upon moral and physical character, and this is the part of the book which provides the greatest attraction for the curious reader of to-day. In the classification of states he followed the lines laid down by Aristotle, but he grouped democracies and aristocracies together as republics in opposition to monarchies and despotisms, and endeavoured to find an underlying principle for each form. Virtue he considered to be the guiding principle of democracy, moderation of aristocracy, honour of monarchy, and fear of despotism. He declared that there could be no absolutely best form of government, for each must be relative to its environment. He gave the preference himself to what he termed the mixed state, that is one in which sovereignty is divided among these elements. Of the contemporary governments that he passed in

review he professed the greatest admiration for that of England, deeming the divided sovereignty, and the system of checks and balances of the English constitution, the greatest safeguard that any country could have against despotism. In fact this apotheosis of the English constitution is one of the most noteworthy features of the book, and it contributed not a little to the somewhat blind admiration and general imitation of the English constitution which is characteristic of the political development of many European and Colonial states during the last century and a half.

Montesquieu survives to-day as a great reputation rather than as an author who is actually read. He had no rational philosophic conception of the nature of the state or of sovereignty, and his preference for the English constitution was based only upon his general survey of contemporary and historical governments. It is of course his great merit that he made this survey and preferred the method of historical enquiry to that of deductive argument from doubtful hypotheses. But his enquiry is wholly lacking in consistency or system. It is without form or plan, and the style is discursive and desultory. The historical school, which he may be said to have founded, has pursued its enquiries with an exhaustiveness, definiteness and method for which we look in vain in his rambling pages. His facts are not always correct, and his conclusions, if true, are without value to the modern reader, for what was new and original to him is now commonplace. So it has come to pass that to a later generation the defects and errors of his book are much more striking than either the

usefulness of his method or the novelty of his conclusions.

Auguste Comte (1798–1857).—If Montesquieu is called the founder of the historical method, by courtesy, it is, however, to Comte that the application of scientific and historical methods to the study of the social and political relations of mankind was really due. As in the case of Rousseau—to whom in his weaknesses he bears some resemblance—there is little in the life of Comte to inspire respect, little in his character that is attractive. His unruliness at school, his jealous references to his master Saint-Simon, his extraordinary self-conceit, his ingratitude to Mill, Grote, and those English friends who contributed money to his support, bespeak a nature ill-disciplined, self-centred, vain, and ungenerous. But his interest in the welfare of humanity was great and his mental calibre exceptional, and in spite of certain superficialities and fantastic ideas in his writings, he made a real and very valuable contribution to the study of political philosophy. This contribution is valuable, not so much because of any additional or corrected truths that he gave to the subject-matter of the science—though this he also did—but because he gave a philosophy of it, that is to say he established its place in the general body of human knowledge, and above all he formulated a definite method of investigation, and showed how our knowledge of the subject may be built up, and how it may be tested and proved. It is his supreme merit, therefore, that he showed the way to true scientific study—a merit that will remain even if his opinions and conclusions be disputed.

Comte's treatise on *Positive Philosophy* occupied him from 1830 to 1842, and it is in this book that his most valuable theses are to be found. In the *Positive Polity* (1851–1854) are elaborations and extensions of his earlier work, with an account of his religion of humanity.

The Law of the Three States.—The whole of Comte's work is based upon the law of the three states. All knowledge has passed or is passing through three stages, which he called the theological or fictitious, the metaphysical or abstract, and the positive or scientific. In the theological stage—which might also be called the mythical or anthropomorphic or imaginative stage—all natural events and phenomena are regarded as being caused, directed, and moulded by the direct will, intervention, and action of some supreme being or beings. In the metaphysical stage causes are looked for in the existence of certain abstract innate qualities in things, or in certain inherent and invariable principles of the abstraction "nature." In the final and positive stage it is recognised that of final and ultimate causes—what might be termed the prime movers of the universe—we know nothing. Cause and effect are understood to be only an invariable sequence of two phenomena. The establishment of the laws of nature consists in the discovery and recording of these invariable sequences, and "explanation" of a phenomenon is only the referring of it as a particular instance to a general series of such sequences which have been established into a law. Positive knowledge therefore consists of a systematic correlation and co-ordination of phenomena.

Examples of these three stages of knowledge may easily be found. All the great epic poems written in the infancy of nations—the *Iliad*, the *Mahabharata*, *Beowulf*—are full of stories of the interference of the gods with natural phenomena, and of their influence on human affairs. The account of the Creation given in the first chapters of Genesis is a theological conception of the beginning of the universe. The fairy tales of children and the superstitious beliefs of older but equally ignorant people, are examples of the same state of knowledge. It would indeed be a mistake to think that all people, even of the most civilised nations, have advanced completely out of it. Examples of the metaphysical explanation of phenomena would be that death is caused by the extinction of the vital principle, that opium causes sleep by reason of a soporific principle, that "nature abhors a vacuum," that the *vis inertiæ* of matter must be overcome in order to produce motion. The realism of the Middle Ages—the idea that there was some objective reality corresponding to every general notion, *e. g.* that apart from and beyond the individual horses of the world, there was an objective reality "horse" corresponding to the general notion of the animal—belonged essentially to this state of knowledge.

The metaphysical stage is intermediate, and transitional between the earlier theological and the final or positive stage to which the organised sciences such as physics and astronomy have now reached.

Order of the Sciences.—Knowledge does not advance in all its branches through these three

stages with equal strides. On the contrary the present chaotic state of knowledge with its differences of opinion and disputes, is due to the fact that some branches have reached the positive, while others have not yet emerged from the theological state. More than this, in the same community the same branch of knowledge will be found to be in different stages of development with different people. Thus the science of meteorology has become so positive that the sailor can find his way with precision across the lonely waste of ocean, and yet in the village from which the sailor comes, prayers will be offered up for rain, notwithstanding the fact that if the laws governing the downfall of rain were correctly understood and appreciated, prayers would no more be offered up for it than for the sun to shine at midnight. Some branches of knowledge cannot be attained until other branches are previously possessed. Therefore the former will be the last to emerge into the positive state. A hierarchy of sciences therefore becomes necessary, and Comte's next work was to classify them, or rather to arrange them in logical order of development. The classification which he made has been very much criticised, as indeed any classification would have been. It is not exhaustive. It takes no account of the applied sciences nor of what Comte called concrete sciences such as zoology and mineralogy. It deals only with the abstract sciences which deal with general laws and upon which all other sciences and arts depend. These he considered to be six in number, and he arranged them in the following order, each one being dependent upon a knowledge of those that precede it—

Mathematics, Astronomy, Physics, Chemistry, Biology, Sociology.

Thus mathematics is the first branch of knowledge to emerge into the positive state, and sociology, dependent as it is upon a knowledge of all the other sciences, has not yet emerged into it. The raising of it to this state Comte considered to be the task which was peculiarly his own. Sociology is the crown of all the sciences, and a philosophy of the latter is necessary to its proper treatment. A large part of the *Positive Philosophy* is therefore taken up with the aim, scope, and method of the five preliminary sciences.

Sociology.—Sociology, Comte believed, had not yet emerged from the theological and metaphysical stages, although attempts had been made at a positive treatment of it, *e. g.* by Aristotle and Montesquieu. These, however, had not been complete and had not succeeded, either through lack of the requisite preliminary knowledge, or through want of a correct and systematic method. Sociology was a science that remained to be created and to get itself recognised. So far two main political theories had been advanced by the advocates of order and progress respectively—those two factors each of which is necessary to the state's stability and existence. The first was that the government of the state existed by divine institution and sanction, *e. g.* the theory of the divine hereditary right of kings. This is an example of the theological stage in the growth of knowledge. The other was the theory that referred the institutions of the state to certain inherent rights of man in an imaginary state of nature, *e. g.* the social contract theory. This

represents the metaphysical stage. The metaphysical conception of the state had its use in emancipating men's minds from the deadening effect of the theological idea and in showing the way to progress. Nevertheless it was a false conception, and its practical results as exemplified at the time of the French Revolution were pernicious inasmuch as in the striving after progress, order was completely banished from the state. The harmony between progress and order remains to be brought about. Why do men differ so much and so fiercely in their political ideas, while they accept without question the facts and laws of chemistry and biology? It is because these branches of knowledge have reached the positive stage, and there is no question and can be no question of their fundamental laws. But sociology as a positive science remains to be created. All current conceptions of politics are of either the theological or the metaphysical kind. Political reform which must have as its aim the alliance of order and progress in due proportion, depends upon political knowledge and must, therefore, await the creation of a positive science of sociology.

This positive science is founded on the belief that social phenomena are, like the phenomena of any other science, dependent on natural laws, and these laws must therefore be discovered. They are of two kinds, and the study of sociology has therefore two aspects. First there are the laws relating to the fundamental conditions whereby social relations exist at all. This is the static part of the subject. Then there are the laws relating to the development of these social relations. This is the

dynamic part of the subject. Social statics and social dynamics are the two parts of sociology, and they correspond to the two necessary factors in all social relations, order and progress, for without the former they would not be possible, while progress is synonymous with development. Thus sociology will establish the true relation between order and progress and bring them into harmony, whereas heretofore both in political theory and practice they have always been opposed.

The study of sociology will proceed by the threefold method of observation, experiment, and comparison. This method, however, must be intelligently and wisely used, *i. e.* observation must be undertaken in the light of some theory. Collection of data without aim or co-ordination is of little avail. Direct experiment is not possible in sociology any more than in biology, but it can be used indirectly in the study of abnormal and pathological cases of the body politic. Comparison is very important in sociology. All peoples and states in the most diverse conditions should be studied and compared, but this should again be done intelligently, *i. e.* with the aim of establishing some rational theory of the development of humanity.

Social Statics.—The laws upon which social relations are based are to be found by the study of the individual, the family, and society. Man is a sociable animal, but his intellectual faculties are not so strong as his emotional, especially in the primitive condition. Therefore those qualities which will help him to develop socially, are those which have the least predominance over him.

Another obstacle to progress is the undoubted ascendancy of selfish over other tendencies.

The unit of society is not the individual but the family. The family consists of the association of husband and wife, parents and children. One of the most serious symptoms of social degeneration and disorganisation is to be found in the attacks upon this fundamental institution. The subordination of wife to husband and of children to parents is justified by all the laws of biology, and the cry of the "equality of the sexes" is fundamentally wrong. The female owes obedience, but equally the male owes protection and fostering care. The family is the school of social life whether for obedience or command.

The essence of society consists in the idea of a number of men all working together at their different functions, industrial, intellectual, or political, following their own personal impulses, and yet in the very act of doing this, working together to make up the social organism. This idea of the division of labour and of unconscious co-operative effort is characteristic of human development, and upon it society depends. The greater the division of labour, the more complicated is the social organism. True order is obtained in this organism when every individual in it is fitted into that place and does that work for which he is best suited. It is the function of government to help towards this end, and here we see the relation between government and society. For as the division of labour becomes more marked there is a growing line of cleavage between the various classes and corporations doing different work. It is the province of government

to counteract this dispersion of ideas and interests, and it must do so with regard to all phases of social life, and not merely with regard to material interests. Co-operative effort itself demands subordination, an obedience on the part of those engaged in particular operations to those above them in the scale of generality. Thus government grows out of the very nature of society. Men have a tendency towards discipline, and government is founded upon a general assent. Unless it is so, and unless it results from the general inclinations of the society in which it is established, it must be feeble and languishing.

Social Dynamics.—The progress of humanity depends primarily upon the development of the intellectual faculties. Sociology therefore requires first of all an examination of this development, *i. e.* the tracing of philosophy through its three stages, theological, metaphysical, and positive. Comte then passes in general review the whole history of the nations of Western Europe, since it is they who have proceeded furthest along the general line of progress. The earliest form of the theological stage was fetishism, to which succeeded in turn polytheism and monotheism. Each of these had its place and its value in intellectual, moral and material progress. In the monotheistic stage Europe owes an incalculable debt to Catholicism. During all these stages society was essentially military in character. Then came the era of transition. Catholicism was attacked by the succeeding metaphysical spirit of free enquiry. The military spirit gradually gave way before the beginnings of industry. In our own day knowledge is rapidly approaching the positive state and at the same time

militarism has almost entirely given way to industrialism, this in spite of the fact that most nations find themselves compelled to keep up huge standing armies.

The foregoing rapid sketch of Comte's ideas covers the ground of the *Positive Philosophy*. In the *Positive Polity* he elaborated and enlarged his treatment of social dynamics, outlined his religion of humanity, and gave some attention to the problems of political economy which he deemed to be an essential part of sociology and not to be separated from it even for purposes of study. In such an all-embracing work, containing as it does a philosophy of knowledge and of history, a classification and treatment of the fundamental sciences, the establishment of a new science of sociology and of a new religion, there is scarcely a detail which could escape criticism or which actually has escaped it. But Comte's work was of value even in the criticism that it evoked, and from J. S. Mill and Herbert Spencer onwards there is scarcely a writer on political philosophy who consciously or unconsciously has not been affected by it. Comte's actual treatment of sociology—his social statics and dynamics—is not equal to his work preliminary to it—the philosophy of the sciences and the working out of a correct method. But then it must be remembered that we are now regarding his work from a distance of time wherein sociology has been much extended, corrected and systematised. Other sciences have been pressed into its service—history, biology, anthropology, political economy, comparative jurisprudence. Inductive investigation has been deep and far-reaching.

Small wonder then that Comte's actual treatment of the subject seems scarcely as accurate and scientific to-day as one might be led to expect after reading the matter preliminary to it. But the very fact that sociology had so advanced, is in itself a tribute to the historical and scientific method outlined and advocated by Comte.

Sir Henry Maine (1822–1888).—Maine probably owed little to Comte, and yet his work in political philosophy was the application of Comte's methods to one particular problem in it. It was Sir Henry Maine who really separated the historical enquiry into the origin of law and society from the philosophical enquiry into the moral bases upon which they rest, and confining himself mainly to the former, threw such a flood of light upon the subject that the accepted ideas of the old philosophic enquirers were completely revolutionised, and enquiry was so stimulated that the half century between Sir Henry Maine and our own time has produced more information upon the subject than the whole of previous history. And yet Maine's study was not comparative politics, but comparative jurisprudence, nor was he primarily interested in the origin of society. *Ancient Law* is, as its name implies, an enquiry into the origin and development of law, and the enquiry into the origin of society was only incidental thereto, and was entered upon because the "background was obscured and the route beyond a certain point obstructed by a priori theories based on the hypothesis of a law and state of nature." It is not surprising, therefore, that his enquiry was

Early Law and Custom, ch. vii.

not exhaustive, nor his conclusions altogether beyond dispute.

The results of his enquiry were first published in 1861 in *Ancient Law*, and they were afterwards expanded, supplemented, and to a certain extent modified in *Village Communities in the East and West*, the *Early History of Institutions*, and *Early Law and Custom*. Chapter V of *Ancient Law* contains his conclusions as to the origin of society, while the first four chapters of the book deal with the origin and development of law. In Chapter VII of *Early Law and Custom* he deals with certain criticisms to which his conclusions had been subjected, while in Lectures XII and XIII of the *Early History of Institutions* he examines and criticises from the historical point of view the conceptions of sovereignty held by Hobbes and the Analytical Jurists.

Ancient Law, ch. v.

Origin of Society.—The origin of society may be ascertained from "testimony of three sorts—accounts by contemporary observers of civilisations less advanced than their own, the records which particular races have preserved concerning their primitive history, and ancient law." The first kind—of which the *Germany* of Tacitus is the classical example—is scanty and liable to be distorted by prejudice, carelessness, and fear. The second is also untrustworthy because of the pride or prejudice of race or religious sentiment. The third alone is free from suspicion. For these reasons, and because Maine was engaged in discussing not primarily the origin of society, but ancient law, it is this kind of testimony that he chiefly uses. His conclusion is given thus. "The effect of the

evidence derived from comparative jurisprudence is to establish the view of the primæval condition of the human race which is known as the Patriarchal Theory." This theory is to the effect that nations, states, political societies, had their origin in the most elementary and simple of human relationships, that of the family, consisting of husband, wife, children, and slaves. The father, the eldest male ascendant rules the family, and so the chieftain rules the early clan, and the king the early nation, as the family gradually expands into the one and the other. This theory explains much in ancient law, which may be taken as evidence of its truth. Thus, although the individuals composing early political societies were not necessarily all descended from a common ancestor, they believed themselves to be so. Hence aliens could only be admitted into the society by means of such legal fictions as that of adoption. The family group was the unit in ancient law, as the individual is in modern society. Ancient law recognised the power of the father—the *patria potestas*—as supreme and absolute over the members of the family. But a woman when she married left the family and government of her father and entered into that of her husband. Hence the old legal maxim, "Mulier est finis familiæ—a woman is the terminus of the family." Relationship, therefore, for many legal purposes was traced only through males—what is known as agnatic relationship as opposed to cognatic relationship which embraces all those who are united by descent from a common *pair* of ancestors. Women were always in a state of subjection to the head either of her father's or of her husband's family, and remnants

of this "perpetual tutelage of women" may be found in the inferior position of women to males in law, even as it has developed in more modern times.

The evidence which Maine adduced in support of the Patriarchal Theory was taken mainly from Roman law, but it was supported by references to the codes of other nations and to the Jewish Scriptures. In his later books he adduced further evidence from the customary law of certain Hindu communities and from the Code of Manu, from the Brehon laws of Ireland, and from Slavonic and Teutonic customary law, so that he was perhaps still further convinced of the truth of the statement which he had already made in *Ancient Law*, that "the difficulty, at the present stage of the enquiry, is to know where to stop, to say of what races of men it is *not* allowable to lay down that the society in which they are united was originally organised on the patriarchal model."

Ancient Law, ch. i.

Origin and Development of Law.—In the development of law five phases are distinguished.

(1) Law originated in the individual judgments of the king, chieftain, or patriarchal ruler of the early tribe. His judgments are reckoned—at any rate according to later tradition—to be divinely inspired. Thus in Homer they are called Themistes—Themis being the goddess of justice. Themistes "are the awards themselves divinely dictated to the judge. Kings are spoken of as if they had a store of 'Themistes' ready to hand for use; but it must be distinctly understood that they are not laws, but judgments, or to take the exact Teutonic equivalent, 'dooms'."

(2) "In the succession of similar cases awards

are likely to follow and resemble each other." Thus successive judgments harden into a custom or usage. This development is analogous to that of modern English case law "which assumes that adjudged cases and precedents exist antecedently to rules, principles, and distinctions."

(3) The power of the early chieftains or kings is either superseded or circumscribed by that of a "privileged minority whether a caste, an aristocracy, a priestly tribe, or a sacerdotal college," who "were universally the depositories and administrators of law." This is the era of real customary law. The juristic oligarchy claims "to monopolise the knowledge of the laws, to have the exclusive possession of the principles by which quarrels are decided."

(4) The invention of writing brings about the era of codes. "Laws graven on tablets, and published to the people take the place of usages deposited with the recollection of a privileged oligarchy."

(5) "When primitive law has once been embodied in a code there is an end to what may be called its spontaneous development. Henceforward the changes effected in it, if effected at all, are effected deliberately and from without." But in progressive societies "social necessities and social opinion are always more or less in advance of Law." Law has, therefore, to be altered, and the agencies by which this is done are— Ch. ii.

(*a*) Legal Fictions.
(*b*) Equity.
(*c*) Legislation.

These agencies are used generally in the order given.

Legal Fictions "satisfy the desire for improvement, which is not quite wanting, at the same time that they do not offend the superstitious disrelish for change which is always present." "The *fact* is that the law has been wholly changed; the *fiction* is that it remains what it always was." Examples of legal fictions are to be found in English Case Law and in the Roman Responsa Prudentum, the "answers of the learned in the law." Theoretically neither the English judges nor the Roman lawyers have had the power to modify or alter the law in any way whatsoever, and whenever they have respectively delivered a judgment or stated an opinion, "it is taken absolutely for granted that there is somewhere a rule of known law which will cover the facts of the dispute now litigated." "Yet the moment the judgment has been rendered and reported, we slide unconsciously or unavowedly into a new language and a new train of thought. We now admit that the new decision *has* modified the law."

Ch. ii. Equity consists "of any body of rules existing by the side of the original civil law, founded on distinct principles and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles."

Ch. iii. The theory of English equity as administered in the Court of Chancery was that it "flowed from the King's conscience," thus "supposing a general right to superintend the administration of justice which was assumed to be vested in the king as a natural result of his paternal authority." Actually the law administered in this court was derived "from several heterogeneous sources," among them being Roman and Canon law.

Roman equity was the product of two conceptions, that of the law of nations, and that of the law of nature. The *jus gentium* or law of nations consisted of that part of law which was common to all the nations or tribes of whom representatives were to be found in Rome, and which therefore formed a convenient body of rules for the trial of cases in which aliens were involved, for these cases could not well be tried according to Roman civil law partly owing to jealousy of the Romans and partly owing to the commercial relations of Rome with other nations. In the beginning the Roman lawyers had no particular respect for the *jus gentium*, but when in later days the Stoical philosophy of Greece made a very considerable impression on Roman Society, and the latter adopted the Stoical conception of the State of Nature as one of ideal simplicity to which it should be the object of mankind to return, then "the belief gradually prevailed among the Roman lawyers that the old *jus gentium* was in fact the lost code of Nature, and that the Prætor in framing an Edictal Jurisprudence on the principles of the *jus gentium* was gradually restoring a type from which law had only departed to deteriorate. The inference from this belief was immediate, that it was the Prætor's duty to supersede the Civil Law as much as possible by the Edict, to revive as far as might be the institutions by which nature had governed man in the primitive state."

Criticisms of the Patriarchal Theory.—Maine was not the first to state the patriarchal theory of the origin of society. We have seen it hinted at by Blackstone and worked out somewhat

fantastically by Filmer. Aristotle explicitly stated that political society originated in the family. But Maine, having arrived at the theory inductively, was the first to support it by an array of trustworthy evidence. Even in Aristotle the theory was hardly more than a working hypothesis which was in accordance with facts so far as he was acquainted with them. Nevertheless Maine's conclusions were not allowed to pass undisputed. Having pointed the way to historical enquiry he was followed by a host of writers who pursued the same path. The evidence adduced by him was subjected to a critical analysis. It was said that he had not gone far enough afield in making his enquiries, that he had not gone far enough back into history, that swayed by the paramount influence of Roman law he had missed much other evidence, and that he had misinterpreted much that he had used.

The Matriarchal Theory.—One of the kinds of evidence that Maine said might be used for arriving at the origin of political society was "accounts by contemporary observers of civilisations less advanced than their own." To this he might have added the actual observation of less advanced civilisations at the present day, for it is still possible to practise this, and Maine himself made use of evidence of this kind to a slight extent in *Ancient Law* and still more in his later books, when referring to the joint family of the Hindus and the house community of the southern Slavs. A whole mass of evidence of this kind, however, was brought to light after the publication of *Ancient Law* by the growth of the science of anthropology, and the study of the

institutions of the aboriginal tribes of America, India, and Australia—non-Aryan and non-Semitic peoples whom Maine had taken no account of in formulating his theory. On the basis of this evidence, Maine's conclusions were attacked by J. F. McLennan and L. H. Morgan. The substance of their criticism was that among races that had passed through the patriarchal stage there was an even earlier condition—called the matriarchal state or maternal family system—in which sexual intercourse was so promiscuous and family ties so loose that relationships could only be traced through the female parent; that some aboriginal races were in this condition to-day, and had never passed through or even reached the patriarchal stage; and that among civilised peoples there are to be found traces and survivals of this matriarchal condition. With regard to the details of this condition McLennan, Morgan, and other anthropological enquirers are by no means in agreement, and the whole theory is beset with difficulties. In Chapter VII of *Early Law and Custom* Maine indicated some of these. He pointed out that any system of promiscuity presupposed the absence of those strong passions, sexual jealousy and paternal love, which are found in the higher animals as well as in man. He called in the aid of Darwin and of biological science to prove the comparative infecundity of a race living under such conditions, and the consequent improbability of its survival. "The great reason for antecedently doubting the alleged evidence of promiscuity in the branches of the Aryan race is that, as it has been the most successful, so it must have been one of the strongest of races." He

Early Law and Custom, ch. vii.

suggested that the "horde" may have been found and indeed is found among certain races because of the disproportion of the sexes, and because in Darwin's words "man had advanced in his intellectual powers but retrograded in his instincts." He pointed out that all were agreed that "the earliest tie which knitted men together in communities was Consanguinity or Kinship," and that so far as the Aryan and Semitic races are concerned it is a characteristic that "the tribes themselves and all subdivisions of them, are conceived by the men who compose them as descended from a single male ancestor." At the same time he admitted that even among these races there were "obscure indications of another and an earlier state of things," and that among non-Aryan and non-Semitic races there are to be found to-day primitive tribes amongst whom sexual relationship is so loose that there is no conception of the patriarchal family.

Since Maine wrote, anthropological studies, and enquiries into the institutions of savage races, have been carried much further and deeper, but still the subject of the origin of society has by no means been cleared from obscurity. Indeed the general opinion now is that there is no absolute origin which is universally applicable to all mankind, and in the words of Maitland "we are learning that the attempt to construct a normal programme for all portions of mankind is idle and unscientific. . . . If we are in haste to drive the men of every race past all the known 'stages,' if we force our reluctant forefathers through agnatic *gentes* and house communities and the rest of it, our normal programme

Domesday Book and Beyond, II., 6.

for the human race is like to become a grotesque assortment of odds and ends."

Maine, however, has been so far rehabilitated that the patriarchal theory is accepted as an account of the origin of the political institutions now existing among Aryan and Semitic peoples.

APPENDIX

No treatment of the theory of the Social Contract would be complete without some mention of two further writers upon it.

Francisco Suarez of Granada (1548–1617).—We have already seen how the theory of the Social Contract can be used to justify almost any form of government. Suarez the Jesuit turned it to account in his book, *De Legibus ac Deo Legislatore*, on behalf of the sacerdotal power against civil authority. It is true that the latter is derived ultimately from God, but nevertheless it comes directly from the people; for the only logical reason that can be given why one man should have government over others is, that the latter agree among themselves to consent to his government for their common benefit and the furtherance of their common aims. Hence there is no divine hereditary right of kingship. The nature and extent of the authority possessed by the prince depend upon the compact which has been made between him and his people, and if the terms of this compact have not been definitely reduced to writing, then they are to be inferred from the customs and constitution of the state. Once having resigned themselves to his care and government, however, the people have no right to impugn the authority of the prince, for he is then the vice-

gerent of God, or to revoke it unless he abuses it by tyranny.

The resemblance of Suarez's ideas to those of the "judicious Hooker" has been often noticed.

Benedict de Spinoza (1632–1677).—"This famous atheist," as Hume called him, worked out the theory of the Social Contract along the same lines as Hobbes in the *Tractatus Theologico-Politicus* and in the *Tractatus Politicus*, that was incomplete at the time of his death. His theory is so similar to that of Hobbes that a general outline of it is unnecessary. Their differences are of degree rather than of principle. Thus Spinoza attaches even less importance than Hobbes to the actual historical happening of the Social Contract, and he has the advantage of Hobbes in making his theory less dependent upon an original pact. Furthermore he claims to leave to the ordinary individual more of his natural right than Hobbes, since the right of the sovereign is measured by the excess of his power over the individual. What the sovereign has no power to do he has no right to do.

In the merging of the individual in the state which has sovereignty over him, there is to be found a hint of the "general will" of Rousseau.

BOOKS SUGGESTED FOR FURTHER READING

POLLOCK: History of the Science of Politics.
DUNNING: Political Theories, Ancient and Mediæval.
LEACOCK: Elements of Political Science.
WOODROW WILSON: The State.
BLUNTSCHLI: The Theory of the State.
GREEN: Principles of Political Obligation.
SIDGWICK: Elements of Politics.
BOSANQUET: The Philosophical Theory of the State.
MILL: On Liberty.
On Representative Government.
SPENCER: The Study of Sociology.
Principles of Sociology.
Man *v.* the State.
MAINE: Popular Government.
LECKY: Democracy and Liberty.
BRYCE: Studies in History and Jurisprudence.
American Commonwealth.
Holy Roman Empire.
LOWELL: Governments and Parties in Continental Europe.
BAGEHOT: The English Constitution.
Physics and Politics.
LOW: The Governance of England.
DICEY: Law of the Constitution.
FREEMAN: Comparative Politics.
WARDE-FOWLER: City State of the Greeks and the Romans.

FUSTEL DE COULANGES: The Ancient City.
LOWES-DICKINSON: The Greek View of Life.
EVELYN ABBOTT (ED.): Hellenica (Aristotle's Conception of the State—Bradley).
BARKER: Political Thought of Plato and Aristotle.
Political Thought from Spencer to To-day.
NETTLESHIP: Lectures on the Republic of Plato.
DAVIES and VAUGHAN: The Republic of Plato (translation in the Golden Treasury series).
WELLDON: The Politics of Aristotle (translation).
NEWMAN: The Politics of Aristotle (Introduction).
GIERKE: Political Theories of the Middle Ages (translation and Introduction by Maitland).
POOLE: Illustrations of the History of Mediæval Thought.
TAYLOR: The Mediæval Mind.
THOMSON: The Prince, by Machiavelli (translation).
COLE: The Social Contract and Discourses by Rousseau (translation: Everyman Library).
HUME: Essays.
LESLIE STEPHEN: Hobbes.
The English Utilitarians.
CAMBRIDGE MODERN HISTORY: English Political Philosophy in the Seventeenth and Eighteenth Centuries —A. L. Smith, Vol. VI. chap. xxiii.
ILBERT: Montesquieu (Romanes Lecture, 1904).
LEWES: Comte's Philosophy of the Sciences.
LEVY-BRUHL: The Philosophy of Comte.
MILL: Auguste Comte and Positivism.
POLLOCK: Notes to Maine's Ancient Law.
WESTERMARCK: Theory of Human Marriage.
LANG: The Secret of the Totem.
AVEBURY: The Origin of Civilisation.

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